William B. Dew to be postmaster at Sweet Briar, Va., in place of W. B. Dew. Incumbent's commission expired June 17, 1926.

WISCONSIN

Louis A. Busse to be postmaster at Reedsville, Wis., in place of C. H. Meisner. Incumbent's commission expired December 22, 1925.

Louis J. Bettinger to be postmaster at Plain, Wis., in place of William Reuschlein. Incumbent's commission expired August 12, 1926.

Albert Liebl to be postmaster at Luxemburg, Wis., in place of Albert Liebl. Incumbent's commission expired January 29, 1927.

## CONFIRMATIONS

*Executive nominations confirmed by the Senate January 29 (legislative day of January 25), 1927*

GOVERNOR OF THE VIRGIN ISLANDS

Waldo Evans.

REGISTER OF THE LAND OFFICE

James Ross Waters to be register of land office at Cass Lake, Minn.

UNITED STATES COAST GUARD

*To be lieutenants (temporary)*

George W. McKean.
Glenn E. Trester.
Leroy M. McCluskey.
Niels S. Haugen.
James F. Brady.
Arthur W. Davis.

*To be lieutenants (junior grade) (temporary)*

William H. Jacobson.
Arthur J. Craig.
Sidney A. Harvey.
Clifford D. Feak.
William J. Austermann.
Julius F. Jacot.
George N. Bernier.
Charles C. Plummer.
Leonard E. Parker.
William C. Dryden.
Philip E. Shaw.

COAST AND GEODETIC SURVEY

*To be aids*

James Dennis Thurmond.
Charles A. Schanck.
Clarence A. Burmister.
Joseph Percival Lushene.
Harvey Orlando Westby.
Curtis Le Fever.
Henry Octave Fortin.

POSTMASTERS

ALABAMA

Arnold R. Woodham, Opp.
Tyler M. Swann, Roanoke.
John R. Harris, Wadley.

CALIFORNIA

Walter P. Cockley, Calexico.
Daniel G. Thomas, Colton.
Fred W. McCullah, Long Beach.
Flournoy Carter, Oxnard.

GEORGIA

Robert H. Ridgway, Canon.

INDIANA

Joseph W. McMahon, Covington.
Samuel Haslam, Edinburg.
Edward A. Spray, Frankfort.
Ernest A. Bodey, Rising Sun.
John C. Hodge, Zionsville.

KENTUCKY

George T. Joyner, Bardwell.
Emma M. Oldham, Bloomfield.
Samuel R. Eckler, Dry Ridge.
George W. Cloyd, East Bernstadt.
Martin Himler, Himlerville.
Jasper N. Oates, Nortonville.

LOUISIANA

Irma M. Perret, Edgard.

MASSACHUSETTS

John C. Angus, Andover.
Erastus T. Bearse, Chatham.
Merritt C. Skilton, East Northfield.
Elmer E. Landers, Oak Bluffs.
Robert M. Lowe, Rockport.
Elizabeth M. Pendergast, West Acton.
Amasa W. Baxter, West Falmouth.
James F. Healy, Worcester.

MICHIGAN

Robert Wellman, Beulah.
Henry Bristow, Flat Rock.
William C. Thompson, Midland.
Robert E. Surine, Nashville.
Ernest Paul, Pigeon.
Rob C. Brown, Stockbridge.
David F. Jones, Unionville.

MINNESOTA

Benjamin H. Peoples, Detroit Lakes.
C. Edward Sarff, Keewatin.
Mattie Dains, Morton.
Edward F. Joubert, Wheaton.

MISSOURI

Harry E. Carel, Blue Springs.
Margaret C. Lester, Desloge.
John L. Oheim, Kimmswick.
John F. Hull, Maryville.
Roy R. Quinn, Moberly.
Andrew L. Woods, Naylor.
Cyrus R. Truitt, Novinger.
Ben B. Smith, Potosi.
Arthur T. King, Warrensburg.
James A. Allison, Waverly.

NORTH CAROLINA

William R. Freshwater, Burlington.
Joseph K. Mason, Durham.
Anna M. Gibson, Gibson.

OHIO

Cora M. Burns, Beloit.
Lee B. Milligan, Lowellville.

PENNSYLVANIA

Effie P. Corts, Karns City.
Samuel F. Williams, Le Raysville.
James H. Kirchner, Mahanoy City.
William J. Winner, Sandy Lake.
Franklin Clary, Sharpsville.
Frank E. Barron, South Montrose.
William Evans, West Grove.

VIRGINIA

Louis H. Stoneman, Columbia.
Ernest P. Burgess, Fork Union.
William S. Sparrow, Onley.
Manley W. Carter, Orange.
William H. Moatz, Round Hill.

WISCONSIN

William A. Shaw, Blackcreek.
Floyd D. Bartels, Blue River.
Anton Schiesl, Laona.
Peter F. Piasecki, Milwaukee.
Joseph F. Matts, Verona.

WYOMING

Arthur W. Crawford, Guernsey.

## HOUSE OF REPRESENTATIVES

### SATURDAY, *January 29, 1927*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Spirit divine, with us may life always be sincere and directed by the pure motive and the true spirit. Lead us on in the growing consciousness that it is an eternal quantity and not a mean and transient thing. Day by day make us more capable of the higher service; may we not cheat ourselves in quality. Do Thou come and give to this day its gladness, to the task its wisdom, and to every heart the note of contentment. Where others do wrong, may we be able to do right; where others waver, may we stand; where others succumb, may we remain steadfast. As we spend these days under a solemn pledge to God and to our country, touch, O touch, the powers of our souls. Through Christ, our Saviour.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed with amendments House bill (H. R. 16462) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1927, and prior fiscal years, and to provide urgent supplemental appropriations for the fiscal year ending June 30, 1927, and for other purposes, in which the concurrence of the House is requested.

MAJ. CHARLES M. STEDMAN, OF NORTH CAROLINA

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, I have asked this time in order publicly to refer to the fact that to-day the honored nestor of the House of Representatives, the gentleman from North Carolina, Major STEDMAN, passes his eighty-sixth milestone. [Applause.] He is the last to serve in this House of those who saw service where Jackson and Sheridan "flamed the demigods of war in the valley of Old Virginia"; honored by his State, by his district, and one who holds a place in the respect and in the affections of every Member of the House of Representatives. [Applause.]

We wish that many opportunities may present themselves in the future to turn aside for a while from the routine of legislative activity to pay him tributes of honor and respect. [Applause.]

Mr. TILSON. Mr. Speaker, I gladly join with the distinguished gentleman from Tennessee in making this manifestation of the respect, esteem, and affection felt by us all for our beloved friend, Major STEDMAN. [Applause.] No party lines divide the membership of this House on questions of valor, chivalry, and honor; no party lines divide us on questions of affectionate regard and esteem for each other. Major STEDMAN, to a remarkable degree, has the affectionate love of the membership of this House. We all honor him for the valiant and distinguished service he has rendered to his State and to his country in war and in peace. In joining with the distinguished minority leader in paying this tribute I am sure that I voice the sentiments of all. On both sides of the House we are one in wishing for our beloved friend a long continuance of his service among us. [Applause.]

FIRST DEFICIENCY BILL

Mr. WOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 16462) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1927, and prior fiscal years, and to provide urgent supplemental appropriations for the fiscal year ending June 30, 1927, and for other purposes, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Indiana asks unanimous consent to take from the Speaker's table House bill 16462, disagree to the Senate amendments, and ask for a conference. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER appointed the following conferees: Messrs. WOOD, CRAMTON, and BYRNS.

DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. FUNK, from the Committee on Appropriations, by direction of that committee, reported the bill (H. R. 16800) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1928, and for other purposes (Rept. No. 1892) which, with the accompanying papers, was read and referred to the Committee of the Whole House on the state of the Union, and ordered printed.

Mr. GRIFFIN. Mr. Speaker, I reserve all points of order on the bill.

HOSPITAL SITE IN RAPIDES PARISH, LA.

Mr. ASWELL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 15414) to authorize the United State Veterans' Bureau to accept a title to lands required for a hospital site in Rapides Parish, La.

The Clerk read the title of the bill.

The SPEAKER. Before recognizing the gentleman for this purpose, the Chair, in conformity with his custom, will ask the gentleman whether this bill presents a distinct emergency.

Mr. ASWELL. Mr. Speaker, in one minute I can explain it. The Veterans' Bureau has allocated the money to construct the buildings for hospital No. 27, at Alexandria, La. The State of Louisiana has donated 480 acres of land as a site for this hospital; but when the title was to be passed it was discovered that under the constitution of the State of Louisiana the State can not separate itself from the mineral rights. The State of Pennsylvania has the same constitutional provision. This short bill was written in the Veterans' Bureau to authorize the Veterans' Bureau to accept title to this land, such constitutional privilege to the contrary notwithstanding.

Mr. SNELL. It is similar to what we have done in connection with post-office sites in Pennsylvania in the last two or three weeks.

Mr. ASWELL. Yes.

Mr. RANKIN. And it is necessary to have this done before they can enter upon their building program?

Mr. ASWELL. Yes. May I say that both the State and Federal authorities are in position to pass title, and this is the only thing that is holding it up.

Mr. SNELL. It is a question of time.

Mr. ASWELL. That is all.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Director of the United States Veterans' Bureau be, and he is hereby, authorized, in the acquisition of any lands required for a hospital site in Rapides Parish, La., to accept title to such lands subject to a reservation of the mineral rights of the State of Louisiana.

The bill was ordered to be engrossed, read a third time, was read the third time, and passed.

On motion of Mr. ASWELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

WASHINGTON'S BIRTHDAY

Mr. HAWLEY. Mr. Speaker, on behalf of the commission appointed for the preparation of plans for the celebration of the two-hundredth anniversary of the birth of George Washington, I present for consideration of the House a resolution unanimously adopted by the executive committee of the commission, which resolution provides that on the 22d of February next the President of the United States address a joint meeting of the two Houses on the subject of George Washington. I ask for the immediate consideration of the resolution.

The SPEAKER. The gentleman from Oregon presents a resolution and asks for its immediate consideration. The Clerk will report the resolution.

The Clerk read as follows:

House Concurrent Resolution 49

*Resolved by the House of Representatives (the Senate concuring)*, That the President of the United States, as the chairman of the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of George Washington, is hereby invited to address the American people in the presence of the Congress in the Hall of the House of Representatives on Tuesday, February 22, 1927, at 12.30 p. m., on the subject of the birth of George Washington.

That the two Houses of Congress shall assemble in the Hall of the House of Representatives on Tuesday, February 22, 1927, at 12.30 p. m., to receive the President's address on the subject of the bicentennial anniversary of the birth of George Washington.

That the members of the said commission on the part of the Senate and of the House of Representatives are hereby constituted a committee to make all arrangements and publish a suitable program for the joint session of Congress herein authorized and to issue the invitations hereinafter mentioned.

That invitations shall be extended to the members of the Cabinet, the Chief Justice and Associate Justices of the Supreme Court of the United States, the diplomatic corps, and such other invitations shall be issued as to the said committee shall seem best.

That all expenses incurred by the committee in the execution of the provisions of this resolution shall be paid, one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The resolution was agreed to.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the resolution.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. HAWLEY. The people of the United States will have the opportunity to listen to President Coolidge through the nation-wide broadcasting of his address before a joint session of Congress at 12.30 p. m. on Washington's Birthday, February 22. At this time the President will face a microphone connected to 35 broadcasting stations located in a like number of cities in the United States from the Atlantic to the Pacific. The National Broadcasting Co., through its president, Merlin Hall Aylesworth, upon the invitation of the United States Commis-

sion for the Celebration of the Two Hundredth Anniversary of the Birth of George Washington, has tendered the Government its facilities for the interconnection of these stations, thereby permitting the simultaneous broadcasting of the President's address throughout the country.

The utilization of 35 broadcasting stations for the transmission of this event establishes a record tie-up for the broadcasting of a presidential address. The largest chain ever used before for this purpose was on the occasion of President Coolidge's inaugural, March 4, 1924, when 27 radio stations comprised a coast-to-coast hook up.

Following is a list of broadcasting stations which will participate: WEAF and WJZ, New York; WEEI, Boston; WJAR, Providence; WBZ, Springfield; WTAG, Worcester; WCSH, Portland (Me.); WTIC, Hartford; WGY, Schenectady; WGR, Buffalo; WLIT or WFI, Philadelphia; WRC, Washington, D. C.; KDKA and WCAE, Pittsburgh; WTAM, Cleveland; WWJ, Detroit; WSAI, Cincinnati; WLIB or WGN and KYW, Chicago; KSD, St. Louis; WOC, Davenport; WCCO, Minneapolis-St. Paul; WDAF, Kansas City (Mo.); WHAS, Louisville; WSM, Nashville; WSB, Atlanta; WMC, Memphis; KOA, Denver; KPO, San Francisco; KGO, Oakland (Calif.); KFI, Los Angeles; KGW, Portland (Oreg.); KOMO and KFOA, Seattle; and KHQ, Spokane.

Speaking in the House of Representatives, President Coolidge's voice will be "picked up" by microphone and carried by special telephone circuits to New York City, where it will enter the National Broadcasting Co.'s "speech input" apparatus located in the company's headquarters at 195 Broadway. From there a local circuit will transport it to WEAF's transmitter at 463 West Street. Another local circuit from 195 Broadway takes it to 24 Walker Street, also in New York City, where it joins the distributing lines of the Bell system, which carry the voice to the various stations participating. Approximately 25,000 miles of wire will be utilized in bringing the President's address to every city, village, mountain side, hill, and valley in the United States.

WGY, the General Electric Co.'s broadcasting station at Schenectady, N. Y., and station KDKA, of the Westinghouse Electric & Manufacturing Co., will in all probability broadcast this event on both long and short wave lengths in addition to their regular broadcasting waves.

Provided the atmospheric condition does not interfere there is no doubt but that the address will be heard in both Europe and South America, and so bring to the attention of three continents the coming celebration of the two hundredth anniversary of the first President of the United States and his distinguished and immortal services to mankind. [Applause.]

PUBLIC BUILDINGS

Mr. BANKHEAD. Mr. Speaker, I desire to submit a request for unanimous consent and ask one minute in which to state it. The allocation of the funds provided for under the Elliott public buildings bill, which was passed last session of Congress, and also the matter of the proposed authorization for $100,000,000 additional, I am sure are matters of interest to all of the Members of the House. A few days ago I addressed an inquiry to the Representative from Mississippi [Mr. BUSBY], a member of the Committee on Public Buildings and Grounds, and asked him to kindly give me a synopsis of the report recently filed by the Secretary of the Treasury and the Postmaster General affecting this allocation. He sent me a very brief synopsis, and a very thorough one, and I think it would be valuable to all the Members of the House. I therefore ask unanimous consent to incorporate it in the RECORD as a part of my remarks.

The SPEAKER. Is there objection?

Mr. CHINDBLOM. Is there not a public document which would have served the purpose just as well?

Mr. BANKHEAD. There is a public document that may serve the purpose, the survey itself, but it is quite elaborate, consisting of a number of pages. This is merely a synopsis of its contents.

Mr. HASTINGS. Does this synopsis give the places where the buildings are recommended to be constructed?

Mr. BANKHEAD. No; it does not go into details. It gives in general terms what the survey shows, cities, by population, affected, and the needs of the different States for further building.

Mr. BLANTON. Does not the gentleman believe that before we pass this additional $100,000,000 appropriation we ought to go into details and find out where some of the buildings are going to be placed?

Mr. BANKHEAD. Mr. Speaker, an answer to that inquiry is not involved in my request at all, although I agree with the gentleman that we ought to have very thorough details about the matter.

Mr. STEVENSON. Mr. Speaker, reserving the right to object, the report which the commission has made gives the places.

Mr. BLANTON. Oh, but that was filed long after the Congress had voted the first $165,000,000. I would like to have the details before we vote any more money.

Mr. LAGUARDIA. Of course, this synopsis gives the views of the gentleman from Mississippi of the survey, and nothing else? It does not speak for the committee?

Mr. BANKHEAD. No; not at all. It is not his conclusion upon the subject, but it is a mere statement of the facts involved in the situation.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The synopsis referred to is as follows:

JANUARY 28, 1927.

Hon. WILLIAM B. BANKHEAD,

*House of Representatives, Washington, D. C.*

MY DEAR COLLEAGUE: In reply to your inquiry to me as a Member of the House Committee on Public Buildings and Grounds concerning the public building situation of the country, permit me to state that for practically 15 years no post-office buildings have been built by the Government, largely due to the necessity of devoting the Nation's finances to the World War and the incident debt problem. During that time the Parcel Post System had been inaugurated and the volume as well as the weight of the mail handled had increased something like 700 per cent. This condition made it all the more necessary to have a public-buildings program begun by the Government as soon as possible.

The bill known as the Elliott bill was enacted into law in May last year, authorizing an expenditure of $100,000,000 for various classes of new buildings and additions to old ones.

This bill provides that at least two buildings shall be estimated for during the period covered by this act in each State for post offices with receipts of more than $10,000 per annum.

This bill also authorizes an expenditure of $15,000,000 with which to complete 65 designated buildings authorized in 1913, but which had not been built because the amount provided for each place was too small.

The Elliott bill also required the Secretary of the Treasury and the Postmaster General to make a general survey of the entire country to ascertain the need for Federal buildings.

Because of the limited amount of money provided in the Elliott bill, this survey particularly covered places having $20,000 and more postal receipts a year.

The report of the Secretary of the Treasury and the Postmaster General, which has just been submitted following their survey, showing the minimum of public-building requirements based on each State, discloses that 179 cities already having Federal buildings require enlargements and additions amounting to $167,850,500; 58 cities which have no Federal building require an additional $8,477,500; making a total of $176,328,000 required for Federal building construction, all of which is recommended in this survey. These recommendations do not purport to cover even the urgent building requirements of the country.

In addition, the survey discloses that there are 799 cities having postal receipts of more than $20,000 per annum, and some of these cities as much as $900,000 per annum, which have no post-office building.

To give you a clear idea of the exact situation, there are 4 cities having more than $400,000 postal receipts per annum, 11 cities having between $200,000 and $400,000 per annum, 19 cities having between $100,000 and $200,000 per annum, 119 cities having between $50,000 and $100,000, 255 cities having between $30,000 and $50,000, 445 cities having between $20,000 and $30,000. No recommendations are made for buildings in any of these cities. In addition to these it is disclosed that 1,512 places have receipts of from $10,000 to $20,000 per annum, making altogether 2,370 cities which have postal receipts of more than $10,000 per annum that are not recommended to receive a post-office building under the survey just submitted.

It is estimated that these additional places would require an expenditure of $170,420,000 for suitable post-office buildings. This, together with the $176,328,000 necessary to cover construction of projects recommended and referred to above, would indicate that it will require from $350,000,000 to $400,000,000 to properly take care of the public-building necessities of the country, since, as is indicated in the report, "That the growth of the postal and other services is so rapid that additional needs will develop during the period of the present building program to an extent which will greatly enlarge the figures presented in this report. The Postal Service doubles in about 10 years, and it is therefore obvious with the present limitation of expenditures provided in the act there would be no possibility of the building program catching up with the public-building requirements of the country."

The Elliott bill authorizes an expenditure of $115,000,000 at a rate of not exceeding $15,000,000 a year. Recommendations have been made for buildings to the amount of $176,000,000. Our committee has reported out the Reed bill, which we expect to be enacted into law,

increasing the amount an additional $100,000,000 and increasing the amount that may be expended annually to $25,000,000.

The question of selecting the places where buildings shall be built first and sites for the buildings is, under the Elliott bill, entirely up to the Secretary of the Treasury. He is given absolute authority, under the law, to make whatever choice he desires as to the places where buildings shall be constructed first and as to the sites to be selected for those buildings. He can acquire sites by purchase at private sales or in response to public advertisements or he can institute condemnation proceedings and take whatever site he desires for a public building, letting a jury fix the value on the property as in ordinary condemnation proceedings. The law gives him complete authority in this regard, and his disposition is to exercise this authority absolutely free from outside influences. Senators and Congressmen, under the law, have no say about these matters.

In my opinion, the Federal Government has just begun to consider the long-neglected question of supplying suitable buildings to care for its mail activities. Distressing needs are disclosed from one end of the country to the other, and while we, as the Representatives of those constituencies have no authority under the law to select the places for post-office buildings, yet it seems to me that nothing can stay the demand and prevent the construction of Federal buildings throughout the country which necessity is so urgently demanding.

Sincerely yours,

JEFF BUSBY.

ORDER OF BUSINESS

Mr. JACOBSTEIN. Mr. Speaker, I ask unanimous consent that on Monday next, after the reading of the Journal and the disposition of matters on the Speaker's table, I be permitted to address the House for 20 minutes upon the subject of agriculture.

The SPEAKER. The gentleman from New York asks unanimous consent that on Monday next, after the reading of the Journal and the disposition of matters on the Speaker's table, he be permitted to address the House for 20 minutes on the subject of agriculture. Is there objection?

Mr. TILSON. Mr. Speaker, reserving the right to object, I wish the gentleman would secure from the ranking member of the subcommittee on his side in charge of the District of Columbia appropriation bill the time he desires under general debate. On next Monday we are to be engaged in general debate upon the District appropriation bill. General debate on an appropriation bill is the usual vehicle for discussion of matters not before the House for immediate action. If the gentleman from New York will submit the request to the gentleman on his side in charge of the time on the District appropriation bill, I am sure that his request will be complied with.

Mr. HUDSON. Mr. Speaker, can the gentleman from Connecticut inform the House as to when the farm legislation will probably be considered by the House?

Mr. TILSON. As soon as the appropriation bills are out of the way, which we hope will be next week, if we can keep at them. Farm relief legislation, I think, will be the next major matter of importance after the appropriation bills.

Mr. GARRETT of Tennessee. I understand the gentleman to mean appropriation bills other than the general deficiency appropriation bill?

Mr. TILSON. Yes; other than the second deficiency appropriation bill, which will come a little later. It is our hope to get the regular supply bills through the House and over to the Senate at the earliest possible date. I hope the gentleman will withdraw his request.

Mr. JACOBSTEIN. Mr. Speaker, the gentleman from New York [Mr. GRIFFIN], in charge of the time on the District of Columbia appropriation bill on the Democratic side, has consented to give me time, and I withdraw my request.

THE BRITISH COMMONWEALTH OF NATIONS

Mr. RANKIN. Mr. Speaker, during the months of October and November of last year a convention of the premiers, or representatives, of the various dominions of the British Empire, was held in London for the purpose of settling and defining their relations to the British Empire and to each other. The report of the committee on interimperial relations which was finally adopted constitutes one of the most far-reaching documents of modern times. With the possible exception of the Magna Charta and the Declaration of Independence, it is perhaps the most important document of its kind ever promulgated by the English-speaking race.

It marks the beginning of a new day for the far-flung British possessions, or, to use their own expression, for the various dominions of the "British Commonwealth of Nations." This declaration is especially important to us at this time in the light of what is taking place relative to international affairs. So many Members have expressed a desire to read this important document, of which I only have one copy, that I am taking advantage of the permission granted me by the House to extend my remarks by here inserting it in the RECORD:

STATUS OF THE DOMINIONS—INTERIMPERIAL RELATIONS—TEXT OF CONFERENCE REPORT

The report of the committee on interimperial relations was adopted by the imperial conference in London on November 19.

The text of the report is as follows:

I. INTRODUCTION

We were appointed at the meeting of the imperial conference on the 25th of October, 1926, to investigate all the questions on the agenda affecting interimperial relations. Our discussions on these questions have been long and intricate. We found on examination that they involved consideration of fundamental principles affecting the relations of the various parts of the Empire inter se, as well as the relations of each part to foreign countries. For such examination the time at our disposal has been all too short. Yet we hope that we may have laid a foundation on which subsequent conferences may build.

II. STATUS OF GREAT BRITAIN AND THE DOMINIONS

The committee are of opinion that nothing would be gained by attempting to lay down a constitution for the British Empire. Its widely scattered parts have very different characteristics, very different histories, and are at very different stages of evolution, while, considered as a whole, it defies classification and bears no real resemblance to any other political organization which now exists or has ever yet been tried.

There is, however, one most important element in it which, from a strictly constitutional point of view, has now, as regards all vital matters, reached its full development—we refer to the group of self-governing communities composed of Great Britain and the Dominions. Their position and mutual relation may be readily defined. They are autonomous communities within the British Empire, equal in status, in no way subordinate one to another in any aspect of their domestic or external affairs, though united by a common allegiance to the Crown, and freely associated as members of the British Commonwealth of Nations.

A foreigner endeavoring to understand the true character of the British Empire by the aid of this formula alone would be tempted to think that it was devised rather to make mutual interference impossible than to make mutual cooperation easy.

Such a criticism, however, completely ignores the historic situation. The rapid revolution of the oversea Dominions during the last 50 years has involved many complicated adjustments of old political machinery to changing conditions. The tendency toward equality of status was both right and inevitable. Geographical and other conditions made this impossible of attainment by the way of federation. The only alternative was by the way of autonomy, and along this road it has been steadily sought. Every self-governing member of the Empire is now the master of its destiny. In fact, if not always in form, it is subject to no compulsion whatever.

But no account, however accurate, of the negative relations in which Great Britain and the Dominions stand to each other can do more than express a portion of the truth. The British Empire is not founded upon negations. It depends essentially, if not formally, on positive ideals. Free institutions are its lifeblood. Free cooperation is its instrument. Peace, security, and progress are among its objects. Aspects of all these great themes have been discussed at the present conference; excellent results have been thereby obtained. And though every dominion is now, and must always remain, the sole judge of the nature and extent of its cooperation, no common cause will, in our opinion, be thereby imperiled.

Equality of status so far as Britain and the Dominions are concerned is thus the root principle governing our interimperial relations.

But the principles of equality and similarity, appropriate to status, do not universally extend to function. Here we require something more than immutable dogmas. For example, to deal with questions of diplomacy and questions of defense, we require also flexible machinery—machinery which can, from time to time, be adapted to the changing circumstances of the world. This subject also has occupied our attention. The rest of this report will show how we have endeavored not only to state political theory but to apply it to our common needs.

III. SPECIAL POSITION OF INDIA

It will be noted that in the previous paragraphs we have made no mention of India. Our reason for limiting their scope to Great Britain and the Dominions is that the position of India in the Empire is already defined by the Government of India act, 1919. We would, nevertheless, recall that by Resolution IX of the imperial war conference, 1917, due recognition was given to the important position held by India in the British Commonwealth. Where, in this report, we have had occasion to consider the position of India, we have made particular reference to it.

IV. RELATIONS BETWEEN THE VARIOUS PARTS OF THE BRITISH EMPIRE

Existing administrative, legislative, and judicial forms are admittedly not wholly in accord with the position as described in Section II of this

report. This is inevitable, since most of these forms date back to a time well antecedent to the present stage of constitutional development. Our first task, then, was to examine these forms with special reference to any cases where the want of adaption of practice to principle caused, or might be thought to cause, inconvenience in the conduct of inter-imperial relations.

*(a) The title of His Majesty the King*

The title of His Majesty the King is of special importance and concern to all parts of His Majesty's dominions. Twice within the last 50 years has the royal title been altered to suit changed conditions and constitutional developments.

The present title, which is that proclaimed under the royal titles act of 1901, is as follows:

"George V, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India."

Some time before the conference met, it had been recognized that this form of title hardly accorded with the altered state of affairs arising from the establishment of the Irish Free State as a Dominion. It had further been ascertained that it would be in accordance with His Majesty's wishes that any recommendation for change should be submitted to him as the result of discussion at the conference. We are unanimously of opinion that a slight change is desirable, and we recommend that, subject to His Majesty's approval, the necessary legislative action should be taken to secure that His Majesty's title should henceforward read:

"George V, by the Grace of God, of Great Britain, Ireland, and the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India."

*(b) Position of governors general*

We proceeded to consider whether it was desirable formally to place on record a definition of the position held by the governor general (the Governor of Newfoundland is in the same position as the governor general of a Dominion) as His Majesty's representative in the Dominions. That position, though now generally well recognized, undoubtedly represents a development from an earlier stage when the governor general was appointed solely on the advice of His Majesty's ministers in London and acted also as their representative.

In our opinion it is an essential consequence of the equality of status existing among the members of the British Commonwealth of Nations that the governor general of a Dominion is the representative of the Crown, holding in all essential respects the same position in relation to the administration of public affairs in the Dominion as is held by His Majesty the King in Great Britain, and that he is not the representative or agent of His Majesty's Government in Great Britain or of any department of that Government.

It seemed to us to follow that the practice whereby the governor general of a Dominion is the formal official channel of communication between His Majesty's Government in Great Britain and his governments in the dominions might be regarded as no longer wholly in accordance with the constitutional position of the governor general. It was thought that the recognized official channel of communication should be in future between government and government direct. The representatives of Great Britain readily recognized that the existing procedure might be open to criticism and accepted the proposed change in principle in relation to any of the dominions which desired it. Details were left for settlement as soon as possible after the conference had completed its work, but it was recognized by the committee as an essential feature of any change or development in the channels of communication that a governor general should be supplied with copies of all documents of importance and in general should be kept as fully informed as is His Majesty the King in Great Britain of cabinet business and public affairs.

*(c) Operation of Dominion legislation*

Our attention was also called to various points in connection with the operation of Dominion legislation, which, it was suggested, required clarification.

The particular points involved were:

(a) The present practice under which acts of the Dominion parliaments are sent each year to London, and it is intimated, through the Secretary of State for Dominion Affairs, that "His Majesty will not be advised to exercise his powers of disallowance" with regard to them.

(b) The reservation of Dominion legislation, in certain circumstances, for the signification of His Majesty's pleasure which is signified on advice tendered by His Majesty's Government in Great Britain.

(c) The difference between the legislative competence of the parliament at Westminster and of the Dominion parliaments in that acts passd by the latter operate, as a general rule, only within the territorial area of the dominion concerned.

(d) The operation of legislation passed by the parliament at Westminster in relation to the dominions. In this connection special attention was called to such statutes as the colonial laws validity act. It was suggested that in future uniformity of legislation as between Great Britain and the dominions could best be secured by the enactment of reciprocal statutes based upon consultation and agreement.

We gave these matters the best consideration possible in the limited time at our disposal, but came to the conclusion that the issues involved were so complex that there would be grave danger in attempting any immediate pronouncement other than a statement of certain principles which in our opinion underlie the whole question of the operation of Dominion legislation. We felt that for the rest it would be necessary to obtain expert guidance as a preliminary to further consideration by His Majesty's Governments in Great Britain and the Dominions.

On the questions raised with regard to disallowance and reservation of Dominion legislation, it was explained by the Irish Free State representatives that they desired to elucidate the constitutional practice in relation to Canada, since it is provided by article 2 of the articles of agreement for a treaty of 1921 that "the position of the Irish Free State in relation to the Imperial Parliament and Government and otherwise shall be that of the Dominion of Canada.

On this point we propose that it should be placed on record that apart from provisions embodied in constitutions or in specific statutes expressly provided for reservation it is recognized that it is the right of the government of each Dominion to advise the Crown in all matters relating to its own affairs. Consequently, it would not be in accordance with constitutional practice for advice to be tendered to His Majesty by His Majesty's Government in Great Britain in any matter appertaining to the affairs of a Dominion against the views of the government of that Dominion.

The appropriate procedure with regard to projected legislation in one of the self-governing parts of the Empire which may affect the interests of other self-governing parts is previous consultation between His Majesty's ministers in the several parts concerned.

On the question raised with regard to the legislative competence of members of the British Commonwealth of Nations other than Great Britain, and in particular to the desirability of those members being enabled to legislate with extraterritorial effect, we think that it should similarly be placed on record that the constitutional practice is that legislation by the parliament at Westminster applying to a Dominion would only be passed with the consent of the Dominion concerned.

As already indicated, however, we are of opinion that there are points arising out of these considerations and in the application of these general principles which will require detailed examination, and we accordingly recommend that steps should be taken by Great Britain and the Dominions to set up a committee with terms of reference on the following lines:

"To inquire into, report upon, and make recommendations concerning—

"(i) Existing statutory provisions requiring reservation of Dominion legislation for the assent of His Majesty or authorizing the disallowance of such legislation.

"(ii) (a) The present position as to the competence of Dominion Parliaments to give their legislation extraterritorial operation.

"(b) The practicability and most convenient method of giving effect to the principle that each Dominion Parliament should have power to give extraterritorial operation to its legislation in all cases where such operation is ancillary to provision for the peace, order, and good government of the Dominion.

"(iii) The principles embodied in or underlying the colonial laws validity act, 1865, and the extent to which any provisions of that act ought to be repealed, amended, or modified in the light of the existing relations between the various members of the British Commonwealth of Nations as described in this report."

*(d) Merchant shipping legislation*

Somewhat similar consideration to those set out above governed our attitude toward a similar, though a special, question raised in relation to merchant shipping legislation. On this subject it was pointed out that, while uniformity of administrative practice was desirable and, indeed, essential, as regards the merchant shipping legislation of the various parts of the Empire, it was difficult to reconcile the application in their present form of certain provisions of the principal statute relating to merchant shipping, viz, the merchant shipping act of 1894, more particularly clauses 735 and 736, with the constitutional status of the several members of the British Commonwealth of Nations.

In this case also we felt that, although in the evolution of the British Empire certain inequalities had been allowed to remain as regards various questions of maritime affairs, it was essential in dealing with these inequalities to consider the practical aspects of the matter.

The difficulties in the way of introducing any immediate alterations in the merchant marine shipping code (which dealt, among other matters, with the registration of British ships all over the world) were fully appreciated and it was felt to be necessary, in any review of the position, to take into account such matters of general concern as the qualifications for registry as a British ship, the status of British ships in war, the work done by His Majesty's consuls in the interest of British shipping and seamen, and the question of naval courts at foreign ports to deal with crimes and offenses on British ships abroad.

We came finally to the conclusion that, following a precedent which had been found useful on previous occasions, the general question of merchant shipping legislation had best be remitted to a special subconference, which could meet most appropriately at the same time as the expert committee, to which reference is made above. We thought that this special subconference should be invited to advise on the following general lines:

"To consider and report on the principles which should govern, in the general interests, the practice and legislation relating to merchant shipping in the various parts of the Empire, having regard to the change in constitutional status and general relations which has occurred since existing laws were enacted."

We took note that the representatives of India particularly desired that India, in view of the importance of her shipping interests, should be given an opportunity of being represented at the proposed subconference. We felt that the full representation of India on an equal footing with Great Britain and the Dominions would not only be welcomed, but could very properly be given, due regard being had to the special constitutional position of India, as explained in Section III of this report.

*(e) Appeals to the judicial committee of the privy council*

Another matter which we discussed in which a general constitutional principle was raised concerned the conditions governing appeals from judgments in the Dominion to the judicial committee of the privy council. From these discussions it became clear that it was no part of the policy of His Majesty's Government in Great Britain that questions affecting judicial appeals should be determined otherwise than in accordance with the wishes of the part of the Empire primarily affected. It was, however, generally recognized that where changes in the existing system were proposed which, while primarily affecting one part, raised issues in which other parts were also concerned, such changes ought only to be carried out after consultation and discussion.

So far as the work of the committee was concerned, this general understanding expressed all that was required. The question of some immediate change in the present conditions governing appeals from the Irish Free State was not pressed in relation to the present conference, though it was made clear that the right was reserved to bring up the matter again at the next imperial conference for discussion in relation to the facts of this particular case.

V. RELATIONS WITH FOREIGN COUNTRIES

From questions specially concerning the relations of the various parts of the British Empire with one another we naturally turned to those affecting their relations with foreign countries. In the latter sphere a beginning had been made toward making clear those relations by the resolution of the imperial conference of 1923 on the subject of the negotiation, signature, and ratification of treaties. But it seemed desirable to examine the working of that resolution during the past three years and also to consider whether the principles laid down with regard to treaties could not be applied with advantage in a wider sphere.

*(a) Procedure in relation to treaties*

We appointed a special subcommittee under the chairmanship of the Minister of Justice of Canada (the Hon. E. Lapointe, K. C.) to consider the question of treaty procedure.

The subcommittee, on whose report the following paragraphs are based, found that the resolution of the conference of 1923 embodied on most points useful rules for the guidance of the Government. As they became more thoroughly understood and established they would prove effective in practice.

Some phases of treaty procedure were examined, however, in greater detail in the light of experience in order to consider to what extent the resolution of 1923 might with advantage be supplemented.

NEGOTIATION

It was agreed in 1923 that any of the governments of the Empire contemplating the negotiation of a treaty should give due consideration to its possible effect upon other governments and should take steps to inform governments likely to be interested of its intention.

This rule should be understood as applying to any negotiations which any government intends to conduct, so as to leave it to the other governments to say whether they are likely to be interested.

When a government has received information of the intention of any other government to conduct negotiations it is incumbent upon it to indicate its attitude with reasonable promptitude. So long as the initiating government receives no adverse comments and so long as its policy involves no active obligations on the part of the other governments it may proceed on the assumption that its policy is generally acceptable. It must, however, before taking any steps which might involve the other governments in any active obligations, obtain their definite assent.

Where by the nature of the treaty it is desirable that it should be ratified on behalf of all the governments of the Empire, the initiating government may assume that a government which has had full opportunity of indicating its attitude and has made no adverse comments will concur in the ratification of the treaty. In the case of a government that prefers not to concur in the ratification of a treaty unless it has been signed by a plenipotentiary authorized to act on its behalf it will advise the appointment of a plenipotentiary so to act.

FORM OF TREATY

Some treaties begin with a list of the contracting countries and not with a list of heads of states. In the case of treaties negotiated under the auspices of the League of Nations, adherence to the wording of the annex to the covenant for the purpose of describing the contracting party has led to the use in the preamble of the term "British Empire," with an enumeration of the Dominions and India if parties to the convention, but without any mention of Great Britain and Northern Ireland and the colonies and protectorates. These are only included by virtue of their being covered by the term "British Empire." This practice, while suggesting that the Dominions and India are not on a footing of equality with Great Britain as participants in the treaties in question, tends to obscurity and misunderstanding and is generally unsatisfactory.

As a means of overcoming this difficulty it is recommended that all treaties (other than agreements between governments), whether negotiated under the auspices of the league or not, should be made in the name of heads of states, and if the treaty is signed on behalf of any or all of the governments of the Empire the treaty should be made in the name of the King, as a symbol of the special relationship between the different parts of the Empire. The British units on behalf of which the treaty is signed should be grouped together in the following order: Great Britain and Northern Ireland and all parts of the British Empire, Canada, Australia, New Zealand, South Africa, Irish Free State, India. A specimen form of treaty as recommended is attached as an appendix to the committee's report.

In the case of a treaty applying to only one part of the Empire it should be stated to be made by the King on behalf of that part.

The making of the treaty in the name of the King as the symbol of the special relationship between the different parts of the Empire will render superfluous the inclusion of any provision that its terms must not be regarded as regulating inter se the rights and obligations of the various territories on behalf of which it has been signed in the name of the King. In this connection it must be borne in mind that the question was discussed at the arms traffic conference in 1925 and that the legal committee of that conference laid it down that the principle to which the foregoing sentence gives expression underlies all international conventions.

In the case of some international agreements the governments of different parts of the Empire may be willing to apply between themselves some of the provisions as an administrative measure. In this case they should state the extent to which and the terms on which such provisions are to apply. Where international agreements are to be applied between different parts of the Empire, the form of a treaty between heads of States should be avoided.

FULL POWERS

The plenipotentiaries for the various British units should have full powers, issued in each case by the King on the advice of the government concerned, indicating and corresponding to the part of the Empire for which they are to sign.

It will frequently be found convenient, particularly where there are some parts of the Empire on which it is not contemplated that active obligations will be imposed, but where the position of the British subjects belonging to these parts will be affected, for such governments to advise the issue of full powers on their behalf to the plenipotentiary appointed to act on behalf of the government or governments mainly concerned. In other cases provision might be made for accession by other parts of the Empire at a later date.

SIGNATURE

In the cases where the names of countries are appended to the signatures in a treaty the different parts of the Empire should be designated in the same manner as is proposed in regard to the list of plenipotentiaries in the preamble to the treaty. The signatures of the plenipotentiaries of the various parts of the Empire should be grouped together in the same order as is proposed above.

The signature of a treaty on behalf of a part of the Empire should cover territories for which a mandate has been given to that part of the Empire, unless the contrary is stated at the time of the signature.

COMING INTO FORCE OF MULTILATERAL TREATIES

In general, treaties contain a ratification clause and a provision that the treaty will come into force on the deposit of a certain number of ratifications. The question has sometimes arisen in connection with treaties negotiated under the auspices of the league whether, for the purpose of making up the number of ratifications necessary to bring the treaty into force, ratification on behalf of different parts of the Empire which are separate members of the league should be counted as separate ratifications. In order to avoid any difficulty in future, it is recommended that when it is thought necessary that a treaty should contain a clause of this character it should take the form of a provision that the treaty should come into force when it has been ratified on behalf of so many separate members of the league.

We think that some convenient opportunity should be taken of explaining to the other members of the league the changes which it is desired to make in the form of treaties and the reasons for which they are desired.

We would also recommend that the various governments of the Empire should make it an instruction to their representatives at international conferences to be held in future that they should use their best endeavors to secure that effect is given to the recommendations contained in the foregoing paragraphs.

*(b) Representation at international conferences*

We also studied, in the light of the resolution of the imperial conference of 1923, to which reference has already been made, the question of the representation of the different parts of the Empire at international conferences. The conclusions which we reached may be summarized as follows:

1. No difficulty arises as regards representation at conferences convened by or under the auspices of the League of Nations. In the case of such conferences all members of the league are invited, and if they attend are represented separately by separate delegations. Cooperation is insured by the application of Paragraph I. 1 (c) of the treaty resolution of 1923.

2. As regards international conferences summoned by foreign governments, no rule of universal application can be laid down, since the nature of the representation must in part depend on the form of invitation issued by the convening government.

(a) In conferences of a technical character it is usual and always desirable that the different parts of the Empire should (if they wish to participate) be represented separately by separate delegations, and where necessary efforts should be made to secure invitations which will render such representation possible.

(b) Conferences of a political character called by a foreign government must be considered on the special circumstances of each individual case.

It is for each part of the Empire to decide whether its particular interests are so involved, especially having regard to the active obligations likely to be imposed by any resulting treaty, that it desires to be represented at the conference or whether it is content to leave the negotiation in the hands of the part or parts of the Empire more directly concerned and to accept the result.

If a government desires to participate in the conclusion of a treaty, the method by which representation will be secured is a matter to be arranged with the other governments of the Empire in the light of the invitation which has been received.

Where more than one part of the Empire desires to be represented, three methods of representation are possible:

(i) By means of a common plenipotentiary or plenipotentiaries, the issue of full powers to whom should be on the advice of all parts of the Empire participating.

(ii) By a single British Empire delegation composed of separate representatives of such parts of the Empire as are participating in the conference. This was the form of representation employed at the Washington disarmament conference of 1921.

(iii) By separate delegations representing each part of the Empire participating in the conference. If, as a result of consultation, this third method is desired, an effort must be made to insure that the form of invitation from the convening government will make this method of representation possible.

Certain nontechnical treaties should, from their nature, be concluded in a form which will render them binding upon all parts of the Empire, and for this purpose should be ratified with the concurrence of all the governments. It is for each government to decide to what extent its concurrence in the ratification will be facilitated by its participation in the conclusion of the treaty, as, for instance, by the appointment of a common plenipotentiary. Any question as to whether the nature of the treaty is such that its ratification should be concurred in by all parts of the Empire is a matter for discussion and agreement between the governments.

*(c) General conduct of foreign policy*

We went on to examine the possibility of applying the principles underlying the treaty resolution of the 1923 conference to matters arising in the conduct of foreign affairs generally. It was frankly recognized that in this sphere, as in the sphere of defense, the major share of responsibility rests now, and must for some time continue to rest, with His Majesty's Government in Great Britain. Nevertheless, practically all the Dominions are engaged to some extent, and some to a considerable extent, in the conduct of foreign relations, particularly those with foreign countries on their borders. A particular instance of this is the growing work in connection with the relations between Canada and the United States of America, which has led to the necessity for the appointment of a minister plenipotentiary to represent the Canadian Government in Washington.

We felt that the governing consideration underlying all discussions of this problem must be that neither Great Britain nor the Dominions could be committed to the acceptance of active obligations except with the definite assent of their own governments. In the light of this governing consideration the committee agreed that the general principle expressed in relation to treaty negotiations in Section V (a) of this report, which is indeed already to a large extent in force, might usefully be adopted as a guide by the governments concerned in future in all negotiations affecting foreign relations falling within their respective spheres.

*(d) Issue of exequaturs to foreign consuls in the Dominions*

A question was raised with regard to the practice regarding the issue of exequaturs to consuls in the Dominions. The general practice hitherto in the case of all appointments of consuls de carrière in any part of the British Empire has been that the foreign government concerned notifies His Majesty's Government in Great Britain, through the diplomatic channel, of the proposed appointment, and that, provided that it is clear that the person concerned is in fact a consul de carrière, steps have been taken without further formality for the issue of His Majesty's exequatur. In the case of consuls other than those de carrière it has been customary for some time past to consult the Dominion government concerned before the issue of the exequatur.

The Secretary of State for Foreign Affairs informed us that His Majesty's Government in Great Britain accepted the suggestion that in future any application by a foreign government for the issue of an exequatur to any person who was to act as consul in a Dominion should be referred to the Dominion government concerned for consideration, and that if the Dominion government agreed to the issue of the exequatur it would be sent to them for countersignature by a Dominion minister. Instructions to this effect had indeed already been given.

*(e) Channel of communication between Dominion governments and foreign governments*

We took note of a development of special interest which had occurred since the imperial conference last met, viz, the appointment of a minister plenipotentiary to represent the interests of the Irish Free State in Washington, which was now about to be followed by the appointment of a diplomatic representative of Canada. We felt that most fruitful results could be anticipated from the cooperation of His Majesty's representatives in the United States of America, already initiated, and now further to be developed. In cases other than those where Dominion ministers were accredited to the heads of foreign states it was agreed to be very desirable that the existing diplomatic channels should continue to be used as between the Dominion governments and foreign governments in matters of general and political concern.

VI. SYSTEM OF COMMUNICATION AND CONSULTATION

Sessions of the imperial conference at which the prime ministers of Great Britain and of the Dominions are all able to be present can not from the nature of things take place very frequently. The system of communication and consultation between conferences becomes therefore of special importance. We reviewed the position now reached in this respect with special reference to the desirability of arranging that closer personal touch should be established between Great Britain and the Dominions and the Dominions inter se. Such contact alone can convey an impression of the atmosphere in which official correspondence is conducted. Development in this respect seems particularly necessary in relation to matters of major importance in foreign affairs where expedition is often essential and urgent decision necessary. A special aspect of the question of consultation which we considered was that concerning the representation of Great Britain in the Dominions. By reason of his constitutional position, as explained in Section IV (b) of this report, the governor general is no longer the representative of His Majesty's Government in Great Britain. There is no one therefore in the Dominion capitals in a position to represent with authority the views of His Majesty's Government in Great Britain.

We summed up our conclusions in the following resolution, which is submitted for the consideration of the conference:

"The governments represented at the imperial conference are impressed with the desirability of developing a system of personal contact both in London and in the Dominion capitals to supplement the present system of intercommunication and the reciprocal supply of information on affairs requiring joint consideration. The manner in which any new system is to be worked out is a matter for consideration and settlement between His Majesty's Government in Great Britain and the Dominions, with due regard to the circumstances of each particular part of the Empire, it being understood that any new arrangements should be supplementary to, and not in replacement of, the system of direct communication from government to government and the special arrangements which have been in force since 1918 for communications between prime ministers."

VII. PARTICULAR ASPECTS OF FOREIGN RELATIONS DISCUSSED BY COMMITTEE

It was found convenient that certain aspects of foreign relations on matters outstanding at the time of the conference should be referred to us, since they could be considered in greater detail and more informally than at meetings of the full conference.

*(a) Compulsory arbitration in international disputes*

One question which we studied was that of arbitration in international disputes, with special reference to the question of acceptance

of article 36 of the statute of the Permanent Court of International Justice, providing for the compulsory submission of certain classes of cases to the court. On this matter we decided to submit no resolution to the conference, but, while the members of the committee were unanimous in favoring the widest possible extension of the method of arbitration for the settlement of international disputes, the feeling was that it was at present premature to accept the obligations under the article in question. A general understanding was reached that none of the governments represented at the imperial conference would take any action in the direction of the acceptance of the compulsory jurisdiction of the permanent court without bringing up the matter for further discussion.

(b) *Adherence of the United States of America to the protocol establishing the Permanent Court of International Justice*

Connected with the question last mentioned, was that of adherence of the United States of America to the protocol establishing the Permanent Court of International Justice.

The special conditions upon which the United States desired to become a party to the protocol had been discussed at a special conference held in Geneva in September, 1926, to which all the governments represented at the imperial conference had sent representatives. We ascertained that each of these governments was in accord with the conclusions reached by the special conference and with the action which that conference recommended.

(c) *The policy of Locarno*

The imperial conference was fortunate in meeting at a time just after the ratifications of the Locarno treaty of mutual guaranties had been exchanged on the entry of Germany into the League of Nations. It was therefore possible to envisage the results which the Locarno policy had achieved already and to forecast to some extent the further results which it was hoped to secure. These were explained and discussed. It then became clear that, from the standpoint of all the dominions and of India, there was complete approval of the manner in which the negotiations had been conducted and brought to so successful a conclusion.

Our final and unanimous conclusion was to recommend to the conference the adoption of the following resolution:

"The conference has heard with satisfaction the statement of the Secretary of State for Foreign Affairs with regard to the efforts made to insure peace in Europe, culminating in the agreements of Locarno; and congratulates His Majesty's Government in Great Britain on its share in this successful contribution toward the promotion of the peace of the world."

APPENDIX

(See Section V (a))

SPECIMEN FORM OF TREATY

The President of the United States of America, His Majesty the King of the Belgians, His Majesty the King (here insert His Majesty's full title), His Majesty the King of Bulgaria, etc.

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Desiring----------

Have resolved to conclude a treaty for that purpose and to that end have appointed as their plenipotentiaries:

The President----------

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His Majesty the King (title as above):
for Great Britain and Northern Ireland and all parts of the British Empire which are not separate members of the League (of Nations)---------- AB,
for the Dominion of Canada---------- CD,
for the Commonwealth of Australia---------- EF,
for the Dominion of New Zealand---------- GH,
for the Union of South Africa---------- IJ,
for the Irish Free State---------- KL,
for India---------- MN,

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who, having communicated their full powers, found in good and due form, have agreed as follows:

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In faith whereof the above-named plenipotentiaries have signed the present treaty.

AB----------
CD----------
EF----------
GH----------
IJ----------
KL----------
MN----------

(or if the territory for which each plenipotentiary signs is to be specified:

(for Great Britain, etc.)---------- AB,
(for Canada)---------- CD,
(for Australia)---------- EF,
(for New Zealand)---------- GH,
(for South Africa)---------- IJ,
(for the Irish Free State)---------- KL,
(for India)---------- MN,

CONFERENCE REPORT—REGULATION OF RADIO COMMUNICATION

Mr. SCOTT. Mr. Speaker, I desire to call up the conference report on the radio bill.

Mr. BLANTON. Mr. Speaker, will the Chair permit a parliamentary inquiry?

The SPEAKER. The gentleman will state it.

Mr. BLANTON. Points of order have been reserved on this conference report. There are matters in the report which were not in conference which have been agreed upon making changes in the bill that were not submitted to the conference. When should those points of order be raised?

The SPEAKER. When they are reached.

Mr. BLANTON. When the item is reached the point of order may be raised there?

The SPEAKER. After the reading of the report or before the reading of the statement, if it is requested.

Mr. BLANTON. And it will be in order when the item itself it reached?

The SPEAKER. Yes.

Mr. SCOTT. Mr. Speaker, on the subject of time, I wondered whether or not that should be disposed of now prior to reading the statement of the managers which I shall request?

The SPEAKER. The Chair thinks it is proper to make an arrangement now if the gentleman desires an extension of time.

Mr. DAVIS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DAVIS. If a point of order is desired to be made against the entire report, when is that in order?

The SPEAKER. The Chair would think after the reading of the report. If the statement is read in lieu of the report, points of order directed against the report should be reserved before the statement is read.

Mr. McKEOWN. If the statement is read the point of order would come too late.

The SPEAKER. The Chair thinks if there is a point of order to be made against the report it ought to be reserved before the statement is read.

Mr. McKEOWN. Mr. Speaker, I have a point of order against one portion of the report I desire to make. I think all points of order would be in order after the conference report is read.

I will reserve a point of order against the entire report.

The SPEAKER. The gentleman from Oklahoma reserves a point of order against the report.

Mr. SCOTT. Mr. Speaker, there are several demands for time on both sides of the House, and I am anxious within the bounds of propriety of the House to be as liberal as possible in the consideration of this measure. It is very important not only to the Congress but to the country. I, therefore, ask unanimous consent that my time be extended from one hour under the rule to three hours, with the understanding, of course, I shall yield one-half of that time to the opposition. Also, I ask unanimous consent that the statement of the managers be read in lieu of the report.

The SPEAKER. The gentleman from Michigah asks unanimous consent that the debate be extended for two hours; that is, the time be extended to cover three hours, with the understanding he will yield one-half of that time to gentlemen in opposition. Is there objection?

Mr. DAVIS. Mr. Speaker, reserving the right to object——

The SPEAKER. And that the statement be read in lieu of the report.

Mr. SCOTT. I yield.

Mr. DAVIS. I understand there is nothing else to come up this afternoon, and, as suggested by the gentleman from Michigan, it is a very important matter. It is more or less technical and complicated and a very lengthy report, and I want to know if gentlemen will not agree to make it four hours, two hours on a side?

Mr. TILSON. If the gentleman will yield to me. The gentleman is entirely right that it is an important matter and ought to have reasonably liberal debate, but if the gentleman will notice the clock it is now approaching 1 o'clock. Notice has been given already that a number of points of order will be raised, which undoubtedly will take considerable time. I do not believe it should take longer than to-day to finish this bill, and, therefore, it seems to me the three hours request would be all the membership would like to have agreed to. We shall probably take up some time in the discussion of the points of order, so I hope my friend from Tennessee will be willing to agree to the three hours for actual debate.

Mr. DAVIS. I feel——

Mr. SCOTT. I will say to the gentleman that before the House convened I discussed this with him, and he suggested that four hours be allowed to discuss the bill, and in view of the fact it is now nearly 1 o'clock, if we proceed expeditiously it will be impossible to conclude this bill very late in the afternoon, and I have curtailed my own time and have extended time to the gentleman within 30 minutes of the total amount which he asks. Of course, everyone knows it is quite customary

to ask more than you want with the expectation of its being cut down. My desire is not to curtail in any degree the consideration of this measure. I am having in mind the welfare of the House as well as the welfare of the measure itself.

Mr. LAZARO. Mr. Speaker, will the gentleman yield for a question?

Mr. SCOTT. Yes.

Mr. LAZARO. Will the gentleman tell us how much time is likely to be used?

Mr. SCOTT. I fear the gentleman did not hear the statement I made in connection with that matter. I intend to transfer to the opposition one-half of the time that the House grants me.

Mr. BLANTON. And by that the gentleman means that he intends to yield one and one-half hours to the gentleman from Tennessee [Mr. DAVIS], who in turn will yield that one and one-half hours to the opposition?

Mr. SCOTT. Yes.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. McKEOWN. Reserving the right to object, I want to propound a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McKEOWN. In order to dispose of this matter. The rule, as I understand, after the statement is read, is such that it will not then be in order to make the point of order, although we are reserving that now. I was wondering if it would not facilitate the consideration of the point of order, if the conference report was read, and then let points of order be made to part of it. After the statement is read, points of order are not in order.

Mr. TILSON. I would like to make this suggestion, that all points of order be reserved until the debate is completed.

Mr. McKEOWN. I wanted to facilitate the consideration of the conference report without waiving any rights.

Mr. TILSON. Yes; without waiving any rights whatever.

The SPEAKER. The Chair suggests that it will be the understanding that the points of order will be reserved until the completion of the debate. The Clerk will read the statement.

Mr. GARRETT of Tennessee. Mr. Speaker, I did not object to that suggestion, but at the same time does not that rather get the cart before the horse? If the point of order should be sustained, then all the debate on the merits would be for naught. It seems to me if the point of order be seriously made—and I understand it is to be—it ought to be disposed of first.

Mr. TILSON. I do not know the nature of the point of order.

Mr. GARRETT of Tennessee. It will be that the conferees have exceeded their authority. If that should be sustained, then all this debate would be in vain and the conference report would fall; the whole report.

Mr. TILSON. I am not acquainted with the nature of the point of order, so that we are rather talking in the dark.

Mr. GARRETT of Tennessee. If any point of order is sustained the conference report falls. I am interested in the orderly procedure, and I think the points of order should be disposed of before the debate.

The SPEAKER. The Chair thinks it would be well to adopt the suggestion of the gentleman from Connecticut. It is conceivable that after the debate gentlemen might not make the point of order that they otherwise would make, and it might save time.

Mr. GARRETT of Tennessee. I understand that a gentleman is ready to make the point of order, and that his purpose to do so would not probably be changed by debate.

Mr. TILSON. Can we have the requests considered one at a time? Let us settle first the question of time.

Mr. GARRETT of Tennessee. I thought the time had been settled. Pardon me for interfering.

The SPEAKER. The Chair understands that the request of the gentleman from Michigan is that he should have the floor for three hours and that the statement be read in lieu of the report.

Mr. GARRETT of Tennessee. And the gentleman from Tennessee [Mr. DAVIS] would control half of that time.

Mr. SCOTT. May I amend that statement slightly? The understanding was that I was to yield to the gentleman one-half of the time and he would be permitted to yield to others.

Mr. GARRETT of Tennessee. That is as I understand it. That part of it is entirely satisfactory.

The SPEAKER. Now, as to the other matter, does the gentleman from Tennessee suggest that the point of order be disposed of first?

Mr. GARRETT of Tennessee. Yes.

Mr. MICHENER. I object to going on with the debate before the ruling is made.

The SPEAKER. The gentleman from Michigan [Mr. MICHENER] objects. The Chair thinks it will be in order to make points of order against the conference report at this time.

Mr. McKEOWN. Mr. Speaker, then I make the point of order against the report on the ground that a provision contained in the original bill, as passed the House, contained in the House bill, on page 3 of the House bill, section D, paragraph (B) and provision (D), as passed by the House, coming on page 6——

The SPEAKER. Of the House bill?

Mr. McKEOWN. Of the House bill, commencing with line 6. In section 1 of the House bill, paragraph (B), on page 3, line 7, as the bill passed the House, it contained the language—

with due consideration of the right of each State to have allocated to it or to some person, firm, company, or corporation within it, the use of a wave length for at least one broadcasting station located or to be located in such State whenever application may be made therefor.

Now, in the Senate that same provision was contained in paragraph 1a of the Senate bill, subparagraph D, on page 37 of the joint print, line 13.

The SPEAKER. Section what?

Mr. McKEOWN. Section D, or subdivision (d) of section A of the Senate bill, on page 37 of the print where the House and Senate bills are printed together. There is a Senate print of the bill that contains that identical language, Mr. Speaker—

with due consideration of the right of each State to have allocated to it or to some person, firm, company, or corporation within it, the use of a wave length for at least one broadcasting station located or to be located in such State whenever application may be made therefor.

Now, my point of order, Mr. Speaker, is this: That the language which passed the House is identical with the language that passed the Senate, and that language was not in controversy. It was not before the conferees, and therefore is not subject to the conference report—the language having passed both Houses.

Mr. RAMSEYER. Is the language out of the bill?

Mr. McKEOWN. It is taken out of this conference report.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. CARTER of Oklahoma. What change was made by the conference report?

Mr. McKEOWN. It left the language out entirely. It is not in the conference report; they just took it out.

The SPEAKER. The Chair thinks he can simplify this situation by ruling with reference to the points of order that inasmuch as the Senate struck out the entire House bill and inserted a bill of its own, any amendment which was germane is in order. The Chair will quote the precedent from Hinds' Precedents, Volume V, section 6421, as follows:

The Chair understands that the Senate adopted a substitute for the House bill. If the two Houses had agreed upon any particular language, or any part of a section, the committee of conference could not change that; but the Senate having stricken out the bill of the House and inserted another one, the committee of conference have the right to strike out that and report a substitute in its stead. Two separate bills have been referred to the committee, and they can take either one of them, or a new bill entirely, or a bill embracing parts of either. They have a right to report any bill that is germane to the bills referred to them.

The Chair thinks that is the better practice, and it has been universally followed in the House, that where the Senate strikes out the entire House bill and substitutes one of its own, it is in order for the conferees to recommend the adoption of any provision that is germane. That ruling will cover all amendments.

Mr. McKEOWN. Leaving out the language, even though it passed both Houses?

The SPEAKER. Yes. The Chair thinks so. This is not a question involving a change of the text to which both Houses have agreed. Are there any other points of order to be made at this time? [After a pause.] The Chair hears none. The Clerk will read the statement.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9971) for the regulation of radio communications, and for other purposes, having met, after full and free conference have agreed

to recommend and do recommend to their respective Houses, as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said Senate amendment insert the following:

"That this act is intended to regulate all forms of interstate and foreign radio transmissions, and communications within the United States, its Territories and possessions; to maintain the control of the United States over all the channels of interstate and foreign radio transmission; and to provide for the use of such channels, but not the ownership thereof, by individuals, firms, or corporations, for limited periods of time, under licenses granted by Federal authority, and no such license shall be construed to create any right beyond the terms, conditions, and periods of the license. That no person, firm, company, or corporation shall use or operate any apparatus for the transmission of energy or communications or signals by radio (a) from one place in any Territory or possession of the United States or in the District of Columbia to another place in the same Territory, possession, or District; or (b) from any State, Territory, or possession of the United States, or from the District of Columbia to any other State, Territory, or possession of the United States; or (c) from any place in any State, Territory, or possession of the United States, or in the District of Columbia, to any place in any foreign country or to any vessel; or (d) within any State when the effects of such use extend beyond the borders of said State, or when interference is caused by such use or operation with the transmission of such energy, communications, or signals from within said State to any place beyond its borders, or from any place beyond its borders to any place within said State, or with the transmission or reception of such energy, communications, or signals from and/or to places beyond the borders of said State; or (e) upon any vessel of the United States; or (f) upon any aircraft or other mobile stations within the United States, except under and in accordance with this act and with a license in that behalf granted under the provisions of this act.

"SEC. 2. For the purposes of this act, the United States is divided into five zones, as follows: The first zone shall embrace the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, the District of Columbia, Porto Rico, and the Virgin Islands; the second zone shall embrace the States of Pennsylvania, Virginia, West Virginia, Ohio, Michigan, and Kentucky; the third zone shall embrace the States of North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Mississippi, Arkansas, Louisiana, Texas, and Oklahoma; the fourth zone shall embrace the States of Indiana, Illinois, Wisconsin, Minnesota, North Dakota, South Dakota, Iowa, Nebraska, Kansas, and Missouri; and the fifth zone shall embrace the States of Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Washington, Oregon, California, the Territory of Hawaii, and Alaska.

"SEC. 3. That a commission is hereby created and established, to be known as the Federal radio commission, hereinafter referred to as the commission, which shall be composed of five commissioners appointed by the President, by and with the advice and consent of the Senate, and one of whom the President shall designate as chairman: *Provided*, That chairmen thereafter elected shall be chosen by the commission itself.

"Each member of the commission shall be a citizen of the United States and an actual resident citizen of a State within the zone from which appointed at the time of said appointment. Not more than one commissioner shall be appointed from any zone. No member of the commission shall be financially interested in the manufacture or sale of radio apparatus or in the transmission or operation of radiotelegraphy, radiotelephony, or radio broadcasting. Not more than three commissioners shall be members of the same political party.

"The first commissioners shall be appointed for the terms of two, three, four, five, and six years, respectively, from the date of the taking effect of this act, the term of each to be designated by the President, but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed.

"The first meeting of the commission shall be held in the city of Washington at such time and place as the chairman of the commission may fix. The commission shall convene thereafter at such times and places as a majority of the commission may determine, or upon call of the chairman thereof.

"The commission may appoint a secretary, and such clerks, special counsel, experts, examiners, and other employees as it may from time to time find necessary for the proper performance of its duties and as from time to time may be appropriated for by Congress.

"The commission shall have an official seal and shall annually make a full report of its operations to the Congress.

"The members of the commission shall receive a compensation of $10,000 for the first year of their service, said year to date from the first meeting of said commission, and thereafter a compensation of $30 per day for each day's attendance upon sessions of the commission or while engaged upon work of the commission and while traveling to and from such sessions, and also their necessary traveling expenses.

"SEC. 4. Except as otherwise provided in this act, the commission, from time to time, as public convenience, interest, or necessity requires, shall—

"(a) Classify radio stations;

"(b) Prescribe the nature of the service to be rendered by each class of licensed stations and each station within any class;

"(c) Assign bands of frequencies or wave lengths to the various classes of stations, and assign frequencies or wave lengths for each individual station and determine the power which each station shall use and the time during which it may operate;

"(d) Determine the location of classes of stations or individual stations;

"(e) Regulate the kind of apparatus to be used with respect to its external effects and the purity and sharpness of the emissions from each station and from the apparatus therein;

"(f) Make such regulations not inconsistent with law as it may deem necessary to prevent interference between stations and to carry out the provisions of this act: *Provided, however*, That changes in the wave lengths, authorized power, in the character of emitted signals, or in the times of operation of any station, shall not be made without the consent of the station licensee unless, in the judgment of the commission, such changes will promote public convenience or interest or will serve public necessity or the provisions of this act will be more fully complied with;

"(g) Have authority to establish areas or zones to be served by any station;

"(h) Have authority to make special regulations applicable to radio stations engaged in chain broadcasting;

"(i) Have authority to make general rules and regulations requiring stations to keep such records of programs, transmissions of energy, communications, or signals as it may deem desirable;

"(j) Have authority to exclude from the requirements of any regulations in whole or in part any radio station upon railroad rolling stock, or to modify such regulations in its discretion;

"(k) Have authority to hold hearings, summon witnesses, administer oaths, compel the production of books, documents, and papers, and to make such investigations as may be necessary in the performance of its duties. The commission may make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for law books, periodicals, and books of reference, and for printing and binding) as may be necessary for the execution of the functions vested in the commission and, as from time to time may be appropriated for by Congress. All expenditures of the commission shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the chairman.

"SEC. 5. From and after one year after the first meeting of the commission created by this act all the powers and authority vested in the commission under the terms of this act, except as to the revocation of licenses, shall be vested in and exercised by the Secretary of Commerce; except that thereafter the commission shall have power and jurisdiction to act upon and determine any and all matters brought before it under the terms of this section.

"It shall also be the duty of the Secretary of Commerce—

"(A) For and during a period of one year from the first meeting of the commission created by this act to immediately refer to the commission all applications for station licenses or for the renewal or modification of existing station licenses.

"(B) From and after one year from the first meeting of the commission created by this act, to refer to the commission for its action any application for a station license or for the renewal or modification of any existing station license as to the granting of which dispute, controversy, or conflict arises, or against the granting of which protest is filed within 10 days after the date of filing said application by any party in interest and any application as to which such reference is requested by the applicant at the time of filing said application.

"(C) To prescribe the qualifications of station operators, to classify them according to the duties to be performed, to fix the forms of such licenses, and to issue them to such persons as he finds qualified.

"(D) To suspend the license of any operator for a period not exceeding two years upon proof sufficient to satisfy him that the licensee (a) has violated any provision of any act or treaty binding on the United States which the Secretary of Commerce or the commission is authorized by this act to administer, or by any regulation made by the commission or the Secretary of Commerce under any such act or treaty; or (b) has failed to carry out the lawful orders of the master of the vessel on which he is employed; or (c) has willfully damaged or permitted radio apparatus to be damaged; or (d) has transmitted superfluous radio communications or signals or radio communications containing profane or obscene words or language; or (e) has willfully or maliciously interfered with any other radio communications or signals.

"(E) To inspect all transmitting apparatus to ascertain whether in construction and operation it conforms to the requirements of this act, the rules and regulations of the licensing authority, and the license under which it is constructed or operated.

"(F) To report to the commission from time to time any violations of this act, the rules, regulations, or orders of the commission, or of the terms or conditions of any license.

"(G) To designate call letters of all stations.

"(H) To cause to be published such call letters and such other announcements and data as in his judgment may be required for the efficient operation of radio stations subject to the jurisdiction of the United States and for the proper enforcement of this act.

"The Secretary may refer to the commission at any time any matter the determination of which is vested in him by the terms of this act.

"Any person, firm, company, or corporation, any State or political division thereof aggrieved or whose interests are adversely affected by any decision, determination, or regulation of the Secretary of Commerce may appeal therefrom to the commission by filing with the Secretary of Commerce notice of such appeal within 30 days after such decision or determination or promulgation of such regulation. All papers, documents, and other records pertaining to such application on file with the Secretary shall thereupon be transferred by him to the commission. The commission shall hear such appeal de novo under such rules and regulations as it may determine.

"Decisions by the commission as to matters so appealed and as to all other matters over which it has jurisdiction shall be final, subject to the right of appeal herein given.

"No station license shall be granted by the commission or the Secretary of Commerce until the applicant therefor shall have signed a waiver of any claim to the use of any particular frequency or wave length or of the ether as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise.

"SEC. 6. Radio stations belonging to and operated by the United States shall not be subject to the provisions of section 1, 4, and 5 of this act. All such Government stations shall use such frequencies or wave lengths as shall be assigned to each or to each class by the President. All such stations, except stations on board naval and other Government vessels while at sea or beyond the limits of the continental United States, when transmitting any radio communication or signal other than a communication or signal relating to Government business shall conform to such rules and regulations designed to prevent interference with other radio stations and the rights of others as the licensing authority may prescribe. Upon proclamation by the President that these exists war or a threat of war or a state of public peril or disaster or other national emergency, or in order to preserve the neutrality of the United States, the President may suspend or amend, for such time as he may see fit, the rules and regulations applicable to any or all stations within the jurisdiction of the United States as prescribed by the licensing authority, and may cause the closing of any station for radio communication and the removal therefrom of its apparatus and equipment, or he may authorize the use or control of any such station and/or its apparatus and equipment by any department of the Government under such regulations as he may prescribe, upon just compensation to the owners. Radio stations on board vessels of the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation or the Inland and Coastwise Waterways Service shall be subject to the provisions of this act.

"SEC. 7. The President shall ascertain the just compensation for such use or control and certify the amount ascertained to Congress for appropriation and payment to the person entitled thereto. If the amount so certified is unsatisfactory to the person entitled thereto, such person shall be paid only 75 per cent of the amount and shall be entitled to sue the United States to recover such further sum as added to such payment of 75 per cent which will make such amount as will be just compensation for the use and control. Such suit shall be brought in the manner provided by paragraph 20 of section 24, or by section 145 of the Judicial Code, as amended.

"SEC. 8. All stations owned and operated by the United States, except mobile stations of the Army of the United States, and all other stations on land and sea, shall have special call letters designated by the Secretary of Commerce.

"Section 1 of this act shall not apply to any person, firm, company, or corporation sending radio communications or signals on a foreign ship while the same is within the jurisdiction of the United States, but such communications or signals shall be transmitted only in accordance with such regulations designed to prevent interference as may be promulgated under the authority of this act.

"SEC. 9. The licensing authority, if public convenience, interest, or necessity will be served thereby, subject to the limitations of this act, shall grant to any applicant therefor a station license provided for by this act.

"In considering applications for licenses and renewals of licenses, when and in so far as there is a demand for the same, the licensing authority shall make such a distribution of licenses, bands of frequency or wave lengths, periods of time for operation, and of power among the different States and communities as to give fair, efficient, and equitable radio service to each of the same.

"No license granted for the operation of a broadcasting station shall be for a longer term than three years, and no license so granted for any other class of station shall be for a longer term than five years, and any license granted may be revoked as hereinafter provided. Upon the expiration of any license, upon application therefor, a renewal of such license may be granted from time to time for a term not to exceed three years in the case of broadcasting licenses and not to exceed five years in the case of other licenses.

"No renewal of an existing station license shall be granted more than 30 days prior to the expiration of the original license.

"SEC. 10. The licensing authority may grant station licenses only upon written application therefor addressed to it. All applications shall be filed with the Secretary of Commerce. All such applications shall set forth such facts as the licensing authority by regulation may prescribe as to the citizenship, character, and financial, technical, and other qualifications of the applicant to operate the station; the ownership and location of the proposed station and of the stations, if any, with which it is proposed to communicate; the frequencies or wave lengths and the power desired to be used; the hours of the day or other periods of time during which it is proposed to operate the station; the purposes for which the station is to be used; and such other information as it may require. The licensing authority at any time after the filing of such original application and during the term of any such license, may require from an applicant or licensee further written statements of fact to enable it to determine whether such original application should be granted or denied or such license revoked. Such application and/or such statement of fact shall be signed by the applicant and/or licensee under oath or affirmation.

"The licensing authority in granting any license for a station intended or used for commercial communication between the United States or any Territory or possession, continental or insular, subject to the jurisdiction of the United States, and any foreign country, may impose any terms, conditions, or restrictions authorized to be imposed with respect to submarine-cable licenses by section 2 of an act entitled 'An act relating to the landing and the operation of submarine cables in the United States,' approved May 24, 1921.

"SEC. 11. If upon examination of any application for a station license or for the renewal or modification of a station license the licensing authority shall determine that public interest, convenience, or necessity would be served by the granting thereof, it shall authorize the issuance, renewal, or modification thereof in accordance with said finding. In the event the licensing authority upon examination of any such application does not reach such decision with respect thereto, it shall notify the applicant thereof, shall fix and give notice of a time and place for hearing thereon, and shall afford such applicant an opportunity to be heard under such rules and regulations as it may prescribe.

"Such station licenses as the licensing authority may grant shall be in such general form as it may prescribe, but each

license shall contain, in addition to other provisions, a statement of the following conditions to which such license shall be subject:

"(A) The station license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies or wave length designated in the license beyond the term thereof nor in any other manner than authorized therein.

"(B) Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of this act.

"(C) Every license issued under this act shall be subject in terms to the right of use or control conferred by section 6 hereof.

"In cases of emergency arising during the period of one year from and after the first meeting of the commission created hereby, or on applications filed during said time for temporary changes in terms of licenses when the commission is not in session and prompt action is deemed necessary, the Secretary of Commerce shall have authority to exercise the powers and duties of the commission, except as to revocation of licenses, but all such exercise of powers shall be promptly reported to the members of the commission, and any action by the Secretary authorized under this paragraph shall continue in force and have effect only until such time as the commission shall act thereon.

"SEC. 12. The station license required hereby shall not be granted to, or after the granting thereof such license shall not be transferred in any manner, either voluntarily or involuntarily, to (a) any alien or the representative of any alien; (b) to any foreign government, or the representative thereof; (c) to any company, corporation, or association organized under the laws of any foreign government; (d) to any company, corporation, or association of which any officer or director is an alien, or of which more than one-fifth of the capital stock may be voted by aliens or their representatives or by a foreign government or representative thereof, or by any company, corporation, or association organized under the laws of a foreign country.

"The station license required hereby, the frequencies or wave length or lengths authorized to be used by the licensee, and the rights therein granted shall not be transferred, assigned, or in any manner, either voluntarily or involuntarily, disposed of to any person, firm, company, or corporation without the consent in writing of the licensing authority.

"SEC. 13. The licensing authority is hereby directed to refuse a station license and/or the permit hereinafter required for the construction of a station to any person, firm, company, or corporation, or any subsidiary thereof, which has been finally adjudged guilty by a Federal court of unlawfully monopolizing or attempting unlawfully to monopolize, after this act takes effect, radio communication, directly or indirectly, through the control of the manufacture or sale of radio apparatus, through exclusive traffic arrangements, or by any other means or to have been using unfair methods of competition. The granting of a license shall not estop the United States or any person aggrieved from proceeding against such person, firm, company, or corporation for violating the law against unfair methods of competition or for a violation of the law against unlawful restraints and monopolies and/or combinations, contracts, or agreements in restraint of trade, or from instituting proceedings for the dissolution of such firm, company, or corporation.

"SEC. 14. Any station license shall be revocable by the commission for false statements either in the application or in the statement of fact which may be required by section 10 hereof, or because of conditions revealed by such statements of fact as may be required from time to time which would warrant the licensing authority in refusing to grant a license on an original application, or for failure to operate substantially as set forth in the license, for violation of or failure to observe any of the restrictions and conditions of this act, or of any regulation of the licensing authority authorized by this act or by a treaty ratified by the United States, or whenever the Interstate Commerce Commission, or any other Federal body in the exercise of authority conferred upon it by law, shall find and shall certify to the commission that any licensee bound so to do, has failed to provide reasonable facilities for the transmission of radio communications, or that any licensee has made any unjust and unreasonable charge, or has been guilty of any discrimination, either as to charge or as to service or has made or prescribed any unjust and unreasonable classification, regulation, or practice with respect to the transmission of radio communications or service: *Provided*, That no such order of revocation shall take effect until 30 days' notice in writing thereof, stating the cause for the proposed revocation, has been given to the parties known by the commission to be interested in such license. Any person in interest aggrieved by said order may make written application to the commission at any time within said thirty days for a hearing upon such order, and upon the filing of such written application said order of revocation shall stand suspended until the conclusion of the hearing herein directed. Notice in writing of said hearing shall be given by the commission to all the parties known to it to be interested in such license twenty days prior to the time of said hearing. Said hearing shall be conducted under such rules and in such manner as the commission may prescribe. Upon the conclusion hereof the commission may affirm, modify, or revoke said orders of revocation.

"SEC. 15. All laws of the United States relating to unlawful restraints and monopolies and to combinations, contracts, or agreements in restraint of trade are hereby declared to be applicable to the manufacture and sale of and to trade in radio apparatus and devices entering into or affecting interstate or foreign commerce and to interstate or foreign radio communications. Whenever in any suit, action, or proceeding, civil or criminal, brought under the provisions of any of said laws or in any proceedings brought to enforce or to review findings and orders of the Federal Trade Commission or other governmental agency in respect of any matters as to which said commission or other governmental agency is by law authorized to act, any licensee shall be found guilty of the violation of the provisions of such laws or any of them, the court, in addition to the penalties imposed by said laws, may adjudge, order, and/or decree that the license of such licensee shall, as of the date the decree or judgment becomes finally effective or as of such other date as the said decree shall fix, be revoked and that all rights under such license shall thereupon cease: *Provided, however*, That such licensee shall have the same right of appeal or review as is provided by law in respect of other decrees and judgments of said court.

"SEC. 16. Any applicant for a construction permit, for a station license, or for the renewal or modification of an existing station license whose application is refused by the licensing authority shall have the right to appeal from said decision to the Court of Appeals of the District of Columbia; and any licensee whose license is revoked by the commission shall have the right to appeal from such decision of revocation to said Court of Appeals of the District of Columbia or to the district court of the United States in which the apparatus licensed is operated, by filing with said court, within 20 days after the decision complained of is effective, notice in writing of said appeal and of the reasons therefor.

"The licensing authority from whose decision an appeal is taken shall be notified of said appeal by service upon it, prior to the filing thereof, of a certified copy of said appeal and of the reasons therefor. Within 20 days after the filing of said appeal the licensing authority shall file with the court the originals or certified copies of all papers and evidence presented to it upon the original application for a permit or license or in the hearing upon said order of revocation, and also a like copy of its decision thereon and a full statement in writing of the facts and the grounds for its decision as found and given by it. Within 20 days after the filing of said statement by the licensing authority either party may give notice to the court of his desire to adduce additional evidence. Said notice shall be in the form of a verified petition stating the nature and character of said additional evidence, and the court may thereupon order such evidence to be taken in such manner and upon such terms and conditions as it may deem proper.

"At the earliest convenient time the court shall hear, review, and determine the appeal upon said record and evidence, and may alter or revise the decision appealed from and enter such judgment as to it may seem just. The revision by the court shall be confined to the points set forth in the reasons of appeal.

"SEC. 17. After the passage of this act no person, firm, company, or corporation now or hereafter directly or indirectly through any subsidiary, associated, or affiliated person, firm, company, corporation, or agent, or otherwise, in the business of transmitting and/or receiving for hire energy, communications, or signals by radio in accordance with the terms of the license issued under this act, shall by purchase, lease, construction, or otherwise, directly or indirectly, acquire, own, control, or operate any cable or wire telegraph or telephone line or system between any place in any State, Territory, or possession of the United States or in the District of Columbia and any place in any foreign country, or shall acquire, own, or control any part of the stock or other capital share of any interest in the physical property and/or other assets of any such cable, wire, telegraph, or telephone line or system, if in either case the purpose is and/or the effect thereof may be to substantially lessen competition or to restrain commerce between any place in any State, Territory, or possession of the United States or in the District of Columbia and any place in any foreign country, or unlawfully

to create monopoly in any line of commerce; nor shall any person, firm, company, or corporation now or hereafter engaged directly or indirectly through any subsidiary, associated, or affiliated person, company, corporation, or agent, or otherwise, in the business of transmitting and/or receiving for hire messages by any cable, wire, telegraph, or telephone line or system (a) between any place in any State, Territory, or possession of the United States or in the District of Columbia and any place in any other State, Territory, or possession of the United States; or (b) between any place in any State, Territory, or possession of the United States, or the District of Columbia, and any place in any foreign country, by purchase, lease, construction, or otherwise, directly or indirectly acquire, own, control, or operate any station or the apparatus therein, or any system for transmitting and/or receiving radio communications or signals between any place in any State, Territory, or possession of the United States or in the District of Columbia and any place in any foreign country, or shall acquire, own, or control any part of the stock or other capital share or any interest in the physical property and/or other assets of any such radio station, apparatus, or system, if in either case the purpose is and/or the effect thereof may be to substantially lessen competition or to restrain commerce between any place in any State, Territory, or possession of the United States or in the District of Columbia and any place in any foreign country, or unlawfully to create monopoly in any line of commerce.

"SEC. 18. If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station, and the licensing authority shall make rules and regulations to carry this provision into effect: *Provided*, That such licensee shall have no power of censorship over the material broadcast under the provisions of this paragraph. No obligation is hereby imposed upon any licensee to allow the use of its station by any such candidate.

"SEC. 19. All matter broadcast by any radio station for which service, money, or any other valuable consideration is directly or indirectly paid, or promised to or charged or accepted by, the station so broadcasting, from any person, firm, company, or corporation, shall, at the time the same is so broadcast, be announced as paid for or furnished, as the case may be, by such person, firm, company, or corporation.

"SEC. 20. The actual operation of all transmitting apparatus in any radio station for which a station license is required by this act shall be carried on only by a person holding an operator's license issued hereunder. No person shall operate any such apparatus in such station except under and in accordance with an operator's license issued to him by the Secretary of Commerce.

"SEC. 21. No license shall be issued under the authority of this act for the operation of any station the construction of which is begun or is continued after this act takes effect, unless a permit for its construction has been granted by the licensing authority upon written application therefor. The licensing authority may grant such permit if public convenience, interest, or necessity will be served by the construction of the station. This application shall set forth such facts as the licensing authority by regulation may prescribe as to the citizenship, character, and the financial, technical, and other ability of the applicant to construct and operate the station, the ownership and location of the proposed station and of the station or stations with which it is proposed to communicate, the frequencies and wave length or wave lengths desired to be used, the hours of the day or other periods of time during which it is proposed to operate the station, the purpose for which the station is to be used, the type of transmitting apparatus to be used, the power to be used, the date upon which the station is expected to be completed and in operation, and such other information as the licensing authority may require. Such application shall be signed by the applicant under oath or affirmation.

"Such permit for construction shall show specifically the earliest and latest dates between which the actual operation of such station is expected to begin, and shall provide that said permit will be automatically forfeited if the station is not ready for operation within the time specified or within such further time as the licensing authority may allow, unless prevented by causes not under the control of the grantee. The rights under any such permit shall not be assigned or otherwise transferred to any person, firm, company, or corporation without the approval of the licensing authority. A permit for construction shall not be required for Government stations, amateur stations, or stations upon mobile vessels, railroad rolling stock, or aircraft. Upon the completion of any station for the construction or continued construction for which a permit has been granted, and upon it being made to appear to the licensing authority that all the terms, conditions, and obligations set forth in the application and permit have been fully met, and that no cause or circumstance arising or first coming to the knowledge of the licensing authority since the granting of the permit would, in the judgment of the licensing authority, make the operation of such station against the public interest, the licensing authority shall issue a license to the lawful holder of said permit for the operation of said station. Said license shall conform generally to the terms of said permit.

"SEC. 22. The licensing authority is authorized to designate from time to time radio stations the communications or signals of which, in its opinion, are liable to interfere with the transmission or reception of distress signals of ships. Such stations are required to keep a licensed radio operator listening in on the wave lengths designated for signals of distress and radio communications relating thereto during the entire period the transmitter of such station is in operation.

"SEC. 23. Every radio station on shipboard shall be equipped to transmit radio communications or signals of distress on the frequency or wave length specified by the licensing authority, with apparatus capable of transmitting and receiving messages over a distance of at least 100 miles by day or night. When sending radio communications or signals of distress and radio communications relating thereto the transmitting set may be adjusted in such a manner as to produce a maximum of radiation irrespective of the amount of interference which may thus be caused.

"All radio stations, including Government stations and stations on board foreign vessels when within the territorial waters of the United States, shall give absolute priority to radio communications or signals relating to ships in distress; shall cease all sending on frequencies or wave lengths which will interfere with hearing a radio communication or signal of distress, and, except when engaged in answering or aiding the ship in distress, shall refrain from sending any radio communications or signals until there is assurance that no interference will be caused with the radio communications or signals relating thereto, and shall assist the vessel in distress, so far as possible, by complying with its instructions.

"SEC. 24. Every shore station open to general public service between the coast and vessels at sea shall be bound to exchange radio communications or signals with any ship station without distinction as to radio systems or instruments adopted by such stations, respectively, and each station on shipboard shall be bound to exchange radio communications or signals with any other station on shipboard without distinction as to radio systems or instruments adopted by each station.

"SEC. 25. At all places where Government and private or commercial radio stations on land operate in such close proximity that interference with the work of Government stations can not be avoided when they are operating simultaneously such private or commercial stations as do interfere with the transmission or reception of radio communications or signals by the Government stations concerned shall not use their transmitters during the first 15 minutes of each hour, local standard time.

"The Government stations for which the above-mentioned division of time is established shall transmit radio communications or signals only during the first 15 minutes of each hour, local standard time, except in case of signals or radio communications relating to vessels in distress, and vessel requests for information as to course, location, or compass direction.

"SEC. 26. In all circumstances, except in case of radio communications or signals relating to vessels in distress, all radio stations, including those owned and operated by the United States, shall use the minimum amount of power necessary to carry out the communication desired.

"SEC. 27. No person receiving or assisting in receiving any radio communication shall divulge or publish the contents, substance, purport, effect, or meaning thereof except through authorized channels of transmission or reception to any person other than the addressee, his agent, or attorney, or to a telephone, telegraph, cable, or radio station employed or authorized to forward such radio communication to its destination, or to proper accounting or distributing officers of the various communicating centers over which the radio communication may be passed, or to the master of a ship under whom he is serving, or in response to a subpœna issued by a court of competent jurisdiction, or on demand of other lawful authority; and no person not being authorized by the sender shall intercept any

message and divulge or publish the contents, substance, purport, effect, or meaning of such intercepted message to any person; and no person not being entitled thereto shall receive or assist in receiving any radio communication and use the same or any information therein contained for his own benefit or for the benefit of another not entitled thereto; and no person having received such intercepted radio communication or having become acquainted with the contents, substance, purport, effect, or meaning of the same or any part thereof, knowing that such information was so obtained, shall divulge or publish the contents, substance, purport, effect, or meaning of the same or any part thereof, or use the same or any information therein contained for his own benefit or for the benefit of another not entitled thereto: *Provided*, That this section shall not apply to the receiving, divulging, publishing, or utilizing the contents of any radio communication broadcasted or transmitted by amateurs or others for the use of the general public or relating to ships in distress.

"SEC. 28. No person, firm, company, or corporation within the jurisdiction of the United States shall knowingly utter or transmit, or cause to be uttered or transmitted, any false or fraudulent signal of distress, or communication relating thereto, nor shall any broadcasting station rebroadcast the program or any part thereof of another broadcasting station without the express authority of the originating station.

"SEC. 29. Nothing in this act shall be understood or construed to give the licensing authority the power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the licensing authority which shall interfere with the right of free speech by means of radio communications. No person within the jurisdiction of the United States shall utter any obscene, indecent, or profane language by means of radio communication.

"SEC. 30. The Secretary of the Navy is hereby authorized unless restrained by international agreement, under the terms and conditions and at rates prescribed by him, which rates shall be just and reasonable, and which, upon complaint, shall be subject to review and revision by the Interstate Commerce Commission, to use all radio stations and apparatus, wherever located, owned by the United States and under the control of the Navy Department (a) for the reception and transmission of press messages offered by any newspaper published in the United States, its Territories or possessions, or published by citizens of the United States in foreign countries, or by any press association of the United States, and (b) for the reception and transmission of private commercial messages between ships, between ships and shore, between localities in Alaska, and between Alaska and the continental United States: *Provided*, That the rates fixed for the reception and transmission of all such messages, other than press messages between the Pacific coast of the United States, Hawaii, Alaska, the Philippine Islands, and the Orient, and between the United States and the Virgin Islands, shall not be less than the rates charged by privately owned and operated stations for like messages and service: *Provided further*, That the right to use such stations for any of the purposes named in this section shall terminate and cease as between countries or localities or between any locality and privately operated ships whenever privately owned and operated stations are capable of meeting the normal communication requirements between such countries or localities or between any locality and privately operated ships, and the licensing authority shall have notified the Secretary of the Navy thereof.

"SEC. 31. The expression 'radio communication' or 'radio communications' wherever used in this act means any intelligence, message, signal, power, pictures, or communication of any nature transferred by electrical energy from one point to another without the aid of any wire connecting the points from and at which the electrical energy is sent or received and any system by means of which such transfer of energy is effected.

"SEC. 32. Any person, firm, company, or corporation failing or refusing to observe or violating any rule, regulation, restriction, or condition made or imposed by the licensing authority under the authority of this act or of any international radio convention or treaty ratified or adhered to by the United States, in addition to any other penalties provided by law, upon conviction thereof by a court of competent jurisdiction, shall be punished by a fine of not more than $500 for each and every offense.

"SEC. 33. Any person, firm, company, or corporation who shall violate any provision of this act, or shall knowingly make any false oath or affirmation in any affidavit required or authorized by this act, or shall knowingly swear falsely to a material matter in any hearing authorized by this act, upon conviction thereof in any court of competent jurisdiction shall be punished by a fine of not more than $5,000 or by imprisonment for a term of not more than five years, or both, for each and every such offense.

"SEC. 34. The trial of any offense under this act shall be in the district in which it is committed; or if the offense is committed upon the high seas, or out of the jurisdiction of any particular State or district, the trial shall be in the district where the offender may be found or into which he shall be first brought.

"SEC. 35. This act shall not apply to the Philippine Islands or to the Canal Zone. In international radio matters the Philippine Islands and the Canal Zone shall be represented by the Secretary of State.

"SEC. 36. The licensing authority is authorized to designate any officer or employee of any other department of the Government on duty in any Territory or possession of the United States other than the Philippine Islands and the Canal Zone, to render therein such services in connection with the administration of the radio laws of the United States as such authority may prescribe: *Provided*, That such designation shall be approved by the head of the department in which such person is employed.

"SEC. 37. The unexpended balance of the moneys appropriated in the item for 'wireless communication laws,' under the caption 'Bureau of Navigation' in Title III of the act entitled 'An act making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1927, and for other purposes,' approved April 29, 1926, and the appropriation for the same purposes for the fiscal year ending June 30, 1928, shall be available both for expenditures incurred in the administration of this act and for expenditures for the purposes specified in such items. There is hereby authorized to be appropriated for each fiscal year such sums as may be necessary for the administration of this act and for the purposes specified in such item.

"SEC. 38. If any provision of this act or the application thereof to any person, firm, company, or corporation, or to any circumstances, is held invalid, the remainder of the act and the application of such provision to other persons, firms, companies, or corporations, or to other circumstances, shall not be affected thereby.

"SEC. 39. The act entitled 'An act to regulate radio communication,' approved August 13, 1912, the joint resolution to authorize the operation of Government-owned radio stations for the general public, and for other purposes, approved June 5, 1920, as amended, and the joint resolution entitled 'Joint resolution limiting the time for which licenses for radio transmission may be granted, and for other purposes,' approved December 8, 1926, are hereby repealed.

"Such repeal, however, shall not affect any act done or any right accrued or any suit or proceeding had or commenced in any civil cause prior to said repeal, but all liabilities under said laws shall continue and may be enforced in the same manner as if committed; and all penalties, forfeitures, or liabilities incurred prior to taking effect hereof, under any law embraced in, changed, modified, or repealed by this act, may be prosecuted and punished in the same manner and with the same effect as if this act had not been passed.

"Nothing in this section shall be construed as authorizing any person now using or operating any apparatus for the transmission of radio energy or radio communications or signals to continue such use except under and in accordance with this act and with a license granted in accordance with the authority hereinbefore conferred.

"SEC. 40. This act shall take effect and be in force upon its passage and approval, except that for and during a period of 60 days after such approval no holder of a license or an extension thereof issued by the Secretary of Commerce under said act of August 13, 1912, shall be subject to the penalties provided herein for operating a station without the license herein required.

"SEC. 41. This act may be referred to and cited as the radio act of 1927."

And the Senate agree to the same.

FRANK D. SCOTT,
WALLACE H. WHITE, JR.,
FREDERICK R. LEHLBACH,
L. LAZARO,
*Managers on the part of the House.*

JAMES E. WATSON,
F. R. GOODING,
C. C. DILL,
*Managers on the part of the Senate.*

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9971) for the regulation of radio communications, and for other purposes, submit the following written statement explaining the effect of the action agreed on:

The amendment of the Senate struck out all after the enacting clause of the House bill and substituted therefor a new bill. The House bill continued original jurisdiction over radio communication in the Department of Commerce, but set up a commission of five members to be appointed by the President and confirmed by the Senate, to which the Secretary of Commerce was authorized to refer any matter the determination of which was vested in him by the bill, and to which any person interested in or aggrieved by any decision of the Secretary might appeal. The Senate bill also created a commission but gave to it original jurisdiction and complete control over radio regulation.

Except for necessary changes chargeable to this difference in authority many of the sections in the House bill and in the Senate amendment were the same and an agreement between the conferees concerning the authority of the commission and of the Secretary of Commerce carried with it an agreement as to most of the provisions in the bill. The task of the conferees then as to such matters became one of drafting.

Section 1 of the bill asserts by way of preamble the intent of the legislation. It then specifically forbids the use or operation of any apparatus for the transmission of energy or communications by radio in interstate or foreign commerce except under and in accordance with the act and with a license granted under the provisions of the act. This section is substantially the same as the corresponding sections in the House bill and in the Senate amendment.

Section 2 divides the United States for the purposes of the act into five zones. This section is identical with the corresponding sections of the House bill and the Senate amendment.

Section 3 establishes the Federal radio commission of five members of whom no more than one shall be appointed from any zone. By the House bill the commissioners were to receive a per diem of $25, and there was a limitation upon the number of days' pay they might receive in each year. The corresponding provision of the Senate amendment provided a salary of $10,000 a year. The agreement here presented provides a compensation of $10,000 for the first year's service and thereafter a compensation of $30 a day. It is, perhaps, important to note also that the term of the commissioners as fixed by the House bill was seven years, as fixed by the Senate amendment five years, and as fixed in this report six years.

Section 4 of the bill vests in the commission generally original jurisdiction over all radio stations. It gives to the commission much the same authority as was vested originally in the Secretary of Commerce by section 1 (B) of the House bill. The jurisdiction conferred in this paragraph is substantially the same as the jurisdiction conferred upon the commission by section 1 (C) of the Senate amendment. The important change from the provision of the Senate amendment is that while under the Senate bill this original jurisdiction was vested permanently in the commission the jurisdiction is by this compromise, as agreed upon, limited to one year in time.

Section 5 of the bill, as agreed upon, permits the Secretary of Commerce after one year to exercise all the original powers and authority vested in the commission by the preceding section except the power of revocation of licenses subject to reference, protest, and appeal to the commission. It provides that after one year's time the Secretary shall refer to the commission for its action applications for station licenses or for the renewal or modification of existing station licenses as to the granting of which controversy arises or against the granting of which protest is filed by any party in interest, and any application which the applicant himself requests be transferred to the commission. The section also authorizes the Secretary to refer to the commission any matter concerning which he has authority. It also provides for an appeal to the commission from any decision of the Secretary by any person aggrieved or whose interests are adversely affected thereby. In these instances the commission is to hear the matter so brought before it de novo and its decisions are to be final, subject to court review only.

In addition to the powers conferred upon the Secretary of Commerce with respect to station licenses section 5 vests in the Secretary of Commerce various administrative duties. The section also confers upon the Secretary control over station operators.

A provision is found in section 5 which, in substance, forbids the issuance of a station license either by the Secretary or the commission until the applicant therefor has executed a waiver of any claim as against the regulatory power of the United States. This is a modification of a provision carried in the Senate amendment.

Section 6 is substantially the same as sections dealing with the same matter in the House bill and in the Senate amendment. It defines the status of Government stations, it authorizes the President in proper cases to close or to take over the use or the control of all private stations within the United States.

Section 7 provides for the ascertainment of the just compensation to be paid for the taking of private stations under the authority of the preceding section. It is taken from the Senate amendment to the House bill.

Section 8 follows sections of the same general purpose in the House bill and in the Senate amendment.

Section 9 authorizes the issuance of licenses if public convenience, interest, or necessity will be served thereby. The same test or guide for the licensing authority is laid down in both the House bill and in the Senate amendment. It provides also for the distribution of stations, wave lengths, periods of time for operation and of power among the different States and communities so as to give equitable radio service throughout the United States. A similar provision is in the House bill and in the Senate amendment. The section also provides that the term of the licenses for broadcasting stations shall not be for longer than three years and that the term for any other class of station license shall not be longer than five years. This is a compromise provision. The House bill placed a limitation of five years upon licenses without regard to their character. The Senate amendment placed a limitation of two years upon all licenses. The section carries a privilege for renewal of the licenses as did both the original House bill and the Senate amendment.

Section 10 embodies no substantial change from the corresponding provision of either the House bill or the Senate amendment.

Section 11 authorizes the licensing authority which means the commission or the Secretary of Commerce depending upon whether the application is filed within one year or after one year, to issue licenses upon examination of the application if it determines that public interest, convenience, or necessity would be served by the granting thereof. It provides however, that in the event the licensing authority upon examination of an application does not reach such decision with respect thereto, it shall then notify the applicant and fix and give notice of a time and place of hearing on the application.

The section also provides that licenses shall carry notice to the holder, of certain conditions to which the license is subject. This provision is substantially the same as a similar provision in the House bill and in the Senate amendment.

There is carried also in this section during the first year in which the commission has original jurisdiction, authority to the Secretary of Commerce to act in cases of emergency when the commission is not in session, but with the provision that any action of the Secretary authorized under the paragraph shall continue in force and effect only until the commission acts on the matter.

Section 12 is substantially the same as a corresponding section in the House bill and in the Senate amendment.

Sections 13, 14, and 15 are substantially the same as comparable provisions in the House bill and in the Senate amendment dealing with the same subjects.

Section 16 provides for appeals and is a compromise between the views of the two Houses. By the terms of the House bill all appeals were to the Court of Appeals of the District of Columbia. Under this provision all appeals except as to revocation of licenses go to the Court of Appeals of the District of Columbia. Appeals upon questions of revocation may be taken either to the Court of Appeals of the District of Columbia or to the District Court of the United States in the district in which the station and apparatus covered by the license is located. This latter provision appeared in the Senate amendment.

Section 17 is identical with the corresponding provision in the House bill and in the Senate amendment.

Section 18 was not embodied in the House bill. It is a modification of one of the sections of the Senate amendment. It provides in substance that if any licensee shall permit a legally qualified candidate for public office to use a broadcasting station the licensee shall afford equal opportunities to all other candidates for the same office to use the station.

Section 19 is substantially the same as the corresponding provision of the House bill and the Senate amendment.

Section 20 appeared in the House bill.

Section 21 provides for the issuance of construction permits and is the same as the provision dealing with the same subject matter in the House bill.

Sections 22, 23, 24, 25, 26, 27, and 28 are found in both the House bill and in the Senate amendment.

Section 29. That part of section 29 which refers to the power of censorship and to the freedom of speech is taken from the Senate amendment, there being no similar provisions in the House bill.

Section 30 deals with the use of Government stations in commercial business. There was no similar provisions in the House bill. Authority to use Government stations for the transmission of press messages and commercial messages was given by a joint resolution of Congress approved June 5, 1920, as amended. The section which appears in this bill is the resolution of June 5, 1920, as amended, with very slight change therein.

Sections 31, 32, 33, 34, 35, and 36 are substantially the same as corresponding provisions of the House bill and the Senate amendment.

Section 37 aims to make available for the purposes of this act funds heretofore appropriated for radio purposes and gives authority for like appropriations hereafter.

Section 38 is similar to a corresponding provision in the House bill and the Senate amendment.

Section 39 repeals previous legislation with respect to radio which is either in conflict with or is superseded by the present bill.

Section 40 provides that the act shall take effect immediately but that for a period of 60 days no holder of a license or an extension thereof under the act of 1912 shall be subject to the penalties provided in this act for operating a station without the license herein required.

Section 41 authorizes the act to be cited as the radio act of 1927.

FRANK D. SCOTT,
WALLACE H. WHITE, Jr.,
FREDERICK R. LEHLBACH,
L. LAZARO,
*Managers on the part of the House.*

The SPEAKER pro tempore. By unanimous-consent agreement the gentleman from Michigan [Mr. SCOTT] is recognized for three hours.

Mr. SCOTT. Mr. Speaker and gentlemen of the House, during the last session of Congress the House adopted H. R. 9971. The Senate amended the House bill by striking out everything after the enacting clause and inserted in lieu thereof a new bill, in large measure similar to the House bill, but in some respects substantially different. The House disagreed to the Senate amendments and granted the conference asked. The House is familiar with the provisions of the bill which it adopted. It therefore would seem both wise and pertinent to discuss the particular features of this compromise bill which change the bill formerly adopted by the House, and my efforts will therefore be directed to such a purpose.

The first innovation appears in paragraph 1. The House bill provided that "the ether within the limits of the United States, its Territories, and possessions, is the inalienable possession of the people thereof." The compromise bill asserts "Federal authority over all channels of interstate and foreign radio transmission." During the consideration of the House bill it was urged with much force that the language in the House bill was inadequate and indefinable. I presume to assert that if the language now appearing in the compromise bill had been offered as an amendment in the House it would have been accepted. It supplies the asserted deficiency and accomplishes the purpose sought.

The next difference appears in section 3. This section relates to the organization of the commission, its salary and tenure of office, and was covered in section 8 of the House bill. The House bill provided for the appointment of five commissioners for terms of 3, 4, 5, 6, and 7 years, respectively, at a salary of $25 per day, not to exceed 120 days in any calendar year. The compromise bill provides for the appointment of five commissioners for terms of 2, 3, 4, 5, and 6 years, respectively, at a salary of $10,000 for the first year and $30 per day thereafter while actually engaged in the work of the commission. It also provides that the commission shall have an official seal and shall make an annual report to Congress. These changes seemed to your conferees both advisable and essential to carry out the enlarged duties of the commission provided in the compromise bill. I shall discuss this feature in a moment.

The next difference appears in section 4. This section relates to the powers and duties of the commission. It was covered in subdivision "B" of the House bill. Section 4 is a radical departure from the provisions of the House bill, and this, with section 5, contain the important matters which were the subject of controversy in conference. The House bill imposed on the Secretary of Commerce the duties of—

(a) Classifying stations.
(b) Prescribing the nature of service to be rendered.
(c) Assigning wave lengths and frequencies and time during which the stations may operate.
(d) Determining the location of stations.
(e) Regulating the purity and sharpness of emissions and the apparatus used.
(f) Establishing areas to be served by any station.
(g) Making inspection of stations and apparatus used.
(h) Making regulations consistent with law to prevent interference between stations.

The compromise bill places the authority and these duties upon the commission, with these additions:

1. To make special regulations applicable to radio stations engaged in chain broadcasting.

2. To make rules and regulations requiring stations to keep such records of programs, transmission of energy, communications, or signals as the commission deems advisable.

3. To hold hearings, summon witnesses, compel the production of books, documents, and papers, and make such investigations as may seem necessary.

During the months which this subject has been in conference the Senate conferees insisted that these powers outlined should not be exercised by any one person, even with the right of appeal provided in the House bill; they insisted that the area covered, the divergent and diversified interests could best be surveyed, judged, and appreciated by a commission selected from the five zones. The majority of the House conferees could not concur in such view, and do not now concur; however, we had but two choices: First, to attempt a compromise which would in some degree meet the insistence of the Senate conferees or, second, to disagree and obtain no legislation on the subject at this session of Congress. It may be urged that the second alternative was preferable; but in view of the present chaotic condition which endangers the entire industry, your conferees determined that a compromise was distinctly preferable.

This compromise should, and probably will, permit the country and the Congress to determine in a practical way the merits of the two proposals and in the interim preserve the industry, because in sections 4 and 5 of the compromise bill the original authority and duties, which I have outlined, are placed in the commission for the first year and thereafter are placed on the Secretary of Commerce, with the modification that the power of revocation of a license or licenses shall remain with the commission. This modification does not seem particularly significant, because the House bill permitted an appeal from the decision of the Secretary of Commerce, and it is therefore inconceivable that a licensee would permit his license to be revoked without appealing his case to the commission to be tried de novo. Therefore the practical effect of the proposal is to lessen the number of appeals and the expense incident thereto. In view of the provision in the House bill which allowed the Secretary of Commerce to refer any matters to the commission, and the further right of appeal to the commission from any decision rendered by the Secretary of Commerce, your conferees feel that the concession made is one which at most will add inconvenience, with little or no resulting harm, incomparable to the damage which would result if there were no legislation for at least another year.

Mr. CROWTHER. Will the gentleman yield?

Mr. SCOTT. Yes.

Mr. CROWTHER. The gentleman says that the authority now lies with the commission for one year under the proposed bill?

Mr. SCOTT. Yes.

Mr. CROWTHER. And then it reverts to the Secretary of Commerce?

Mr. SCOTT. In large measure, except as to the revocation of licenses.

Mr. CROWTHER. Then what on earth is this commission going to do after one year—just sit and draw their salaries?

Mr. SCOTT. No; only when engaged in the duties of the commission. I did not discuss this feature, because it does not differ particularly from the provision contained in the House bill.

Mr. COLE. They would only get their pay when they served, would they not?

Mr. SCOTT. Yes. The House bill, as the gentleman will recall, provided that the commission should be confined to 120 days' pay; the Senate insisted that that prohibition ought not

to be put in, assuming that the membership of the commission would have sufficient honor and integrity at the conclusion of the first year to remain in actual session only so long as their duties required them to be in session, at a compensation of $30 a day, and the House conferees concurred in that conclusion.

Mr. CROWTHER. I am just wondering what the commission will have to do if the authority is to be transferred to the Secretary of Commerce after one year?

Mr. SCOTT. The commission, under the provisions of the House bill, was an appellate division; under the compromise bill for the first year they are not an appellate division; they are a commission of original jurisdiction, but thereafter they occupy very largely the position provided in the original House bill, as an appellate body. Now, it is inconceivable that with several thousand stations throughout the United States there will not after the year be appeals from the decisions of the Secretary of Commerce and that there will not during the first year be appeals from the decisions of the commission itself, and therefore the House conferees and Senate conferees were unanimous in the thought that we ought to afford to the citizens of the country every opportunity to have a full hearing of their controversial matters.

Mr. CROWTHER. Before they go to the courts?

Mr. SCOTT. Yes; before they go to the courts.

Mr. BLOOM. Will the gentleman yield?

Mr. SCOTT. I yield.

Mr. BLOOM. Following the question which the gentleman has just answered, under section 5 the commission has no right after the first year to engage any secretaries, clerks, or anything of that sort.

Mr. SCOTT. Oh, I do not think that interpretation can be placed to the language.

Mr. BLOOM. According to the language of the section, they have no such right after the first year.

Mr. SCOTT. The gentleman's interpretation of that language is not my interpretation or that of any of the conferees, and may I say to the gentleman that only the Committee on Appropriations of this House has the right to appropriate. If the Congress, in its judgment, should cut off the appropriation, it would not make any difference whether the legislation provided for a complete organization or not; if there were no funds available, they could not employ unless such employees were willing to work gratuitously.

Mr. BLOOM. According to the language of section 5 they have not the right to even ask for an appropriation for any clerks or secretaries.

Mr. SCOTT. I disagree with the gentleman. That is not the proper interpretation of the language at all.

Mr. GREEN of Florida. Will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Florida.

Mr. GREEN of Florida. Is it not a fact that under this provision we will have radio controlled by the Secretary of the Department of Commerce and at the same time have this commission or bureau of five perpetually in office? Does not the gentleman believe that is the case?

Mr. SCOTT. I do not want to attempt to read the gentleman's mind, but if I do accurately adduce his thought, I am largely in accord with the gentleman's views. I was not in favor of this situation, and I am not admitting that I am now in favor of it, but I am accepting it as a compromise and as the best compromise we were able to obtain.

Mr. LAZARO. Will the gentleman yield?

Mr. SCOTT. Yes; I yield to my colleague.

Mr. LAZARO. Is it not true that the House bill provided an advisory commission which was to be recommended by the Secretary of Commerce?

Mr. SCOTT. The gentleman's statement is correct.

Mr. LAZARO. Who were to be paid by the day, with traveling expenses?

Mr. SCOTT. Yes.

Mr. LAZARO. And this commission, under the language of the report, will pass upon all controversies?

Mr. SCOTT. Yes.

Mr. LAZARO. Whenever anyone is not satisfied with the decision of the Secretary of Commerce.

Mr. SCOTT. Yes.

Mr. LAZARO. And they are to be paid only when they are engaged upon this work.

Mr. SCOTT. Yes.

Mr. HUDSON. Will the gentleman yield?

Mr. SCOTT. I yield to my colleague from Michigan.

Mr. HUDSON. After the first year, when the commission is acting in an appellate capacity, as stated by the gentleman, would not a commission of three function as well and as efficiently for the country as a commission of five?

Mr. SCOTT. Well, I am inclined to agree that a commission of three would be as efficient as a commission of five.

Mr. HUDSON. And in that way we would save considerable expense.

Mr. SCOTT. But the House has already gone on record as to the number of the commission, and this ought not to be overlooked, and I am sure is not overlooked by the membership of the House. This commission during its first year and during the years following will not confine its activities to the city of Washington.

Mr. HUDSON. Will the gentleman yield for one additional question?

Mr. SCOTT. Yes.

Mr. HUDSON. Was there any inherent reason why there should be five zones instead of three zones, except to furnish five commissioners?

Mr. SCOTT. Only that from the very inception of radio up to the present time we have been operating under a zone system and it has been largely satisfactory, and when you have anything that is moderately satisfactory, it is seemingly unwise to cast it off for some conjectural theory.

Mr. LARSEN. Will the gentleman yield just on that point?

Mr. SCOTT. I will be pleased to yield to my colleague.

Mr. LARSEN. Is it not a fact that we really had nine zones and after discussing the zone feature we decided it would be better to have five zones instead of nine, and we also discussed at length the question of having three, but we decided that would, perhaps, have a tendency to prevent proper representation of the various sections of the country on this commission and we agreed on five, although the original bill provided for nine.

Mr. SCOTT. Yes.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. SCOTT. Yes.

Mr. WILLIAMSON. I should like to inquire with reference to the existing stations that have been built in recent months. It is a well-known fact that a good many stations have been erected within recent months in anticipation of this legislation, in order to obtain a standing or perhaps a preferred status prior to the enactment of the legislation. Will there be any way, under the legislation now proposed, to reduce in any way the number of these stations in some of our large cities?

Mr. SCOTT. Such authority is conferred in this bill upon the radio commission during the first year. They have jurisdiction over the entire subject and can determine the necessity of the stations, having in mind the welfare and interests of the public; having in mind the welfare of the listening public, and with that in mind and with the authority which the Congress will confer, if they enforce this law, the commission, which is representative of the various sections of the country, will amply safeguard the interests of the listening public.

Mr. BLOOM. Will the gentleman yield there?

Mr. SCOTT. Will the gentleman let me first conclude my statement?

Mr. BLOOM. I would like to ask the questions I have in mind while the gentleman is on this particular point.

Mr. SCOTT. I hope the gentleman will pardon me.

The next difference appears in section 7 of the compromise bill. The purpose was covered in subsection C of section 1 of the House bill. It relates to the taking over of a station or stations by the President in time of war or national emergency. The House bill provided for "just compensation." The compromise bill carries the same language, with an additional provision that if the amount is unsatisfactory the person entitled thereto shall receive 75 per cent of such sum and may sue the United States for such an additional amount as will justly compensate him.

May I say in passing that the justification for that particular section was the general uniform provision in connection with condemnation proceedings in the several States, and also the custom adopted by the United States Government in connection with claims. It is conceivable, highly probable, and very possible, that many instances will arise where, if the compensation determined as just by the United States Government was final, requiring the person entitled to such compensation to go to the courts with no compensation at all, it would virtually prohibit him from litigating.

The next change appears in section 9. This section relates to the issuance of licenses. The House bill provided that the term of the license should not be for a longer period than five years. The compromise bill provides that the term of the license for broadcasting stations shall be for three years and the term of other licenses shall be five years. This change is not material, as the term fixed by the House was an arbitrary one. At the present time we are functioning under a 90-day

license, and therefore a three and five year license is not incompatible with justice or equity either to the licensee or the public.

Mr. BLOOM. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. Yes.

Mr. BLOOM. What does the gentleman mean by "other" licenses?

Mr. SCOTT. Oh, amateur licenses, experimental station licenses, and so forth.

Mr. BLOOM. Does the gentleman mean licenses to transmit power?

Mr. SCOTT. Oh, that is a broadcasting station.

Mr. BLOOM. I mean energy, power.

Mr. SCOTT. That has not been accomplished yet.

Mr. BLOOM. Does the gentleman mean that, if it is accomplished?

Mr. SCOTT. No; I do not think that is a correct interpretation.

Mr. BLOOM. The gentleman says he does not think it is a correct interpretation?

Mr. SCOTT. I am capable of giving the gentleman only my interpretation.

Mr. BLOOM. Did the gentleman or did he not have in his original bill the right to transmit energy?

Mr. SCOTT. Oh, the proposed legislation covers the transmission of energy, although up to the present moment such transmission has not become practical.

Mr. BLOOM. But it is possible.

Mr. SCOTT. The legislation covers such a possibility.

Mr. BLOOM. The gentleman will admit that it is possible to transmit power for heat and light?

Mr. SCOTT. No; not for practical utilization. I hope the gentleman will not interrupt me further. It makes little difference whether you grant a license for three or five years, if the power of revocation is reserved.

Mr. BLOOM. But if it is proposed to give a license for five years and you have not yet interpreted what the license is to be for, I think it is material.

Mr. SCOTT. Oh, I fear the gentleman has not read the bill carefully.

Mr. BLOOM. But I have.

Mr. SCOTT. Then your understanding of it differs with that which I have, because in the present compromise bill, in the license itself, is carried a contract that the licensee is confined by his signature to the license and acceptance thereof to the regulatory powers of the United States Government.

Mr. BLOOM. Will the gentleman yield further?

Mr. SCOTT. I ask the gentleman to let me finish.

Mr. HUDSON. Mr. Speaker, I very much dislike to make the point of order that there is no quorum present, but it seems to me that the membership of the House ought to know that this legislation is before it at this time.

Mr. SCOTT. Mr. Speaker, I know the gentleman has a very high purpose in mind. I hope he will not make the point at this time, however, as I am anxious to conclude this statement.

Mr. HUDSON. I think the membership of the House ought to know when this sort of legislation is under consideration.

Mr. BLANTON. What the gentleman means is that some of us are dependent upon the gentleman from Michigan [Mr. SCOTT] to get information about the bill, and when we ask him questions we hope he will answer them without being affronted.

Mr. SCOTT. If the gentleman from Texas has gathered that interpretation from my conduct, he is in error. I will answer any question.

Mr. BLANTON. I thought the gentleman from New York [Mr. BLOOM] was making a pertinent inquiry.

Mr. SCOTT. But I answered the gentleman very thoroughly.

Mr. BLOOM. But there is one question the gentleman did not answer, and I would like to refer to it now in this bill. The gentleman says that energy is not mentioned in this bill. In line 17, on page 2, of the compromise bill we find this language:

or with the transmission or reception of such energy.

Will the gentleman answer whether that means the transmission of light, heat, and power by radio?

Mr. SCOTT. Yes.

Mr. BLOOM. And for that it is proposed to grant a five-year license?

Mr. SCOTT. If the station is properly classified as a broadcasting station, it can get a license for only three years. If the gentleman will accept my interpretation——

Mr. BLOOM. I want to prove to the gentleman that I have read the bill, although he says I have not. Perhaps I have read it too carefully.

Mr. SCOTT. I suggested that the gentleman's interpretation of the bill differed from mine.

Mr. BLOOM. I have read it carefully.

Mr. SCOTT. My interpretation of that language is that a station transmitting power and energy comes within the classification of a broadcasting station.

Mr. BLOOM. Will the gentleman admit that it is in both bills—the Dill bill and the White bill. Energy is the whole thing that runs through both bills.

That is a transmission of energy. The gentleman will admit this. It is for the broadcasting and radio people who are more interested in transmission of energy than songs, music, and so forth.

Mr. SCOTT. No; I can not go that far, because up to the present time there has not been the actual transmission of an ounce of energy.

Mr. BLOOM. Does the gentleman know they are transmitting energy to control airplanes, submarines, automobiles, railroad trains, and so forth?

Mr. SCOTT. A very distinguished representative from the gentleman's State in another body at the other end of the Capitol only a couple of days ago said they were going so far as to pick out of the air the voices of the departed ones.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. SCOTT. Gladly.

Mr. COOPER of Wisconsin. I would like to call the attention of the gentleman from New York to the bottom of page 1, where he will find the language—

that no person, firm, company, or corporation shall use or operate any apparatus for the transmission of energy or communications or signals by radio—

And so forth.

Mr. BLOOM. But it does not define energy.

Mr. COOPER of Wisconsin. It must be power.

Mr. BLOOM. That is just what I asked the gentleman, and for the transmission of power they get a license for five years, while for the transmission of melody, base ball reports, and so forth, it is only for three years. There are more sorts of energy in this bill than the transmission of music.

Mr. SCOTT. I think the gentleman from Wisconsin has answered the gentleman from New York, and I trust that the House will now permit me to proceed.

The SPEAKER pro tempore. The gentleman has consumed 30 minutes.

Mr. SCOTT. I yield myself five additional minutes.

Section 11 of the compromise bill carries substantially the provisions of the House bill on the same subject. It differs in that the license contains the conditions to which such license is subject. It was urged and accepted as an additional safeguard to the regulatory powers of the Government. Section 11 also carries a provision which allows the Secretary of Commerce during the first year to act in cases of emergency when the commission is not in session, but the commission shall be immediately advised thereof and such action shall only continue in force until the commission shall act thereon.

The next change occurs in section 16. This section relates to appeals to the courts. The House provision was that all appeals from the commission should be to the Court of Appeals of the District of Columbia. The compromise bill provides that appeals on the revocation of licenses shall be to the District Court of Appeals of the District of Columbia or to the district court of the United States in the district in which the station whose license is proposed to be revoked is located. The House conferees agreed to this modification. Instances may arise where both the Government and the licensee would prefer to have the case heard in the district court of the United States in the district where such station is located because of the availability of evidence, the possibility of obtaining a more expeditious hearing, the diminishment of costs to the litigants, and other reasons of similar character.

Mr. COOPER of Wisconsin. Will the gentleman yield? Which party would have the right to select the court?

Mr. SCOTT. The licensee, the party making the appeal, would be confined to the district in which the station is located.

Section 18 of the compromise bill is a provision of the Senate bill, which does not appear in the House bill. It insures to candidates for public office equal opportunities to use stations. It does not compel the stations to allow such candidates the use of its facilities, but if the station grants such permission to one candidate, it must offer equal opportunity to other candidates for such office.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. SCOTT. I will.

Mr. JOHNSON of Texas. That is the amendment I offered when we were considering the bill on which the Chair sustained the point of order.

Mr. SCOTT. I think the gentleman is correct.

Mr. BLANTON. Will the gentleman permit me to ask him a question?

Mr. SCOTT. I will.

Mr. BLANTON. Suppose there are two candidates, one a rich man and one a poor man, and the corporation charges for service one candidate $5,000, a sum that the poor man can not pay. Is that giving them an equal chance?

Mr. SCOTT. No; I think the bill preserves to the commission the authority to prevent any discrimination.

Mr. BLANTON. That would be a discrimination?

Mr. SCOTT. Absolutely.

Mr. BLANTON. One other question. The Senate very wisely adopted an amendment to the bill making it an offense for any one to libel another over the air and had a penalty therefor. Now, the conferees struck that out from the bill. Why?

Mr. SCOTT. Well, there were a number of reasons. The gentleman will recall that at the time of the consideration of the House bill he came to me and offered an amendment which I accepted——

Mr. BLANTON. And which we adopted in the Committee of the Whole.

Mr. SCOTT. It was adopted and later went out of the bill. When we reached conference the question presented itself as to the legality of such a provision. I do not refer to the legality of the right of Congress to put it in, but as to where the right of action would attach.

Mr. BLANTON. Now, the only other question I want to ask in this connection is this: When we get to that amendment which the conferees have stricken out of the bill, will the gentleman give those who are in favor of that amendment an opportunity to speak on it and try to keep it in the bill?

In other words, the gentleman will move to confirm the action of the conferees in striking out that amendment. You have to have a vote on the action of the conferees in striking out that amendment, and we who are in favor of the amendment want a chance to vote on it.

Mr. SCOTT. I do not agree with the gentleman that we will have a vote on all the sections. We will either vote the report up or down.

Mr. BLANTON. We will vote it up or down and will not vote on separate amendments?

Mr. SCOTT. Yes.

Mr. BLANTON. Oh, I know this: I know that two members of the conference—a Member of the House, with a distinguished Senator from the Northwest—got together and agreed upon this bill, and then, without any other action, the whole conference committee adopted that agreement. Now, if we are going to let two Members of the two Houses agree upon legislation that we are to accept without any quibble, we want to have that fact known. I have every confidence in the honor of my friend from Maine [Mr. WHITE], but I am not altogether willing for Mr. WHITE and our friend the Senator from the Northwest to get together and write legislation for us, legislation which we can not change by the dotting of an "i" or the crossing of a "t."

Mr. SCOTT. The gentleman's understanding is grossly incorrect. I hope the gentleman will not make his speech in my time. In reply I wish to say that I am not deluded as to what occurred in the conference covering a period of two months. All the conferees worked assiduously on this measure.

Mr. BLANTON. We who are posted know that the gentleman from Maine [Mr. WHITE] and the Senator from Washington [Mr. DILL] wrote the bill.

Mr. SCOTT. Oh, the gentleman's information is inaccurate and grossly incorrect.

Mr. LAZARO. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. Yes.

Mr. LAZARO. I will say, for my part, that I went over this bill very carefully, and I exerted myself a great deal in the effort to reach a compromise.

Mr. SCOTT. Oh, yes; it could be urged with just as much consistency that every letter written by the gentleman's secretary which goes out of the office of the gentleman from Texas is not his product.

Mr. DAVIS. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. Yes.

Mr. DAVIS. The gentleman a little while ago stated, I believe, that he believed that the right should be preserved to the commission to prevent discrimination. I will ask the gentleman if it is not a fact that the only provision in the bill which can be so construed at all is section 14, and that that is not lodged in the commission itself any further than that the commission may revoke a license whenever the Interstate Commerce Commission or any other Federal body in the exercise of the authority conferred upon it by law shall find and certify to the commission that any licensee has been guilty of any discrimination or made any unjust or unreasonable charge?

Mr. SCOTT. The gentleman may be correct.

Mr. DAVIS. That is the provision in the bill upon that subject?

Mr. SCOTT. It is the outstanding provision in the bill in connection with the power of the commission to control unfair methods used or alleged to be used by the broadcasters.

Mr. DAVIS. And is it not a fact that the Interstate Commerce Commission, the only body authorized to exercise any jurisdiction over that subject, has never endeavored to exercise any jurisdiction over radio, and plainly so stated?

Mr. SCOTT. Yes; and you are trespassing very closely on sacred ground when you attempt to control the right of free speech. It has become axiomatic to allow the freedom of the press, and when Congress attempts by indirection to coerce and place a supervision over the right of a man to say from a radio station what he believes to be just and proper, I think Congress is trespassing upon a very sacred principle.

Mr. DAVIS. I am opposed to any such authority, but I am in favor of provisions that will prevent an abuse of that kind.

Mr. SCOTT. I think the gentleman's statement is correct. I think his views on that subject are the same as mine. But my fear is that through a desire to protect, he will unintentionally strike a blow which would produce the very opposite effect to that intended.

Mr. DAVIS. Is it not a fact that it was admitted at the hearing by the president of the American Broadcasters' Association that they exercised the right to edit, in other words, to censor, any speech or any subject matter that might be broadcast, and that they reserved the right to refuse that that be done?

Mr. SCOTT. I can not answer that because I have not attended the broadcasting conventions.

Mr. DAVIS. That was brought out in the hearings had before the committee.

Mr. BLOOM. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. Will not the gentleman wait until I have finished my statement?

Mr. BLOOM. Yes.

Mr. SCOTT. The next section, section 29, refers to obscene and indecent and profane language. That provision was not contained in the House bill. As I said in my opening statement, I am only attempting now to cover those portions of the bill which changed the House bill which was adopted at the last session of Congress.

Section 30 relates to the use of the Government stations for commercial purposes. It is similar to the provisions of a resolution adopted by the Congress and approved June 5, 1920. I refer to what is commonly known as the Free resolution. Congress, however, having approved of the policy enunciated in that resolution, the conferees accepted the amendment.

Mr. BRIGGS. Mr. Speaker, will the gentleman yield there?

Mr. SCOTT. Yes.

Mr. BRIGGS. In that connection, while the section carries out the principle, it varies in some particulars, which I am inclined to think are an improvement over the present law.

Mr. SCOTT. Yes. I did not deem it essential to call the attention of the House to a patent improvement.

Mr. BRIGGS. In giving the definition under section 31 of the conference measure, there is used the expression, "as transferred by electrical energy from one point to another without the aid of any wire." As I understand it, that language "without the aid of any wire" does not mean to relinquish control through the utilization of wires in radio communication in what is known as wired wireless? That is, the method employed in radio by wired wireless whereby, under the system of wired wireless, or communication of that character, senders of radio messages can send a number of communications along a wire without interrupting telegraph and telephone communications passing over the wire at the same time.

The language "without the aid of any wire" as used in the bill relates, as I understand it, to such services as telegraph and telephone communication and not to radio, where in some instances incidental use of the wire may be made to guide or direct radio messages.

This use of the words "aid of any wire" refers to the indispensable or essential use of wires such as are employed in telephony or telegraphy or communication of that kind.

Mr. SCOTT. Chain broadcasting.

Mr. BRIGGS. That is what is meant?

Mr. SCOTT. I think that is correct, if I follow the gentleman.

The SPEAKER pro tempore. The gentleman from Michigan has used 45 minutes.

Mr. SCOTT. Mr. Speaker, I yield myself five additional minutes.

Section 37 makes available funds heretofore appropriated for radio purposes. The change in the administrative features of the House bill requires this section.

Section 39 repeals all radio legislation in conflict with this act.

Section 40 provides that this act shall take immediate effect, but for 60 days thereafter no holder of a license or extension shall be subject to the penalties imposed by the act.

The reason for that would seem obvious. Certainly Congress would not deliberately impose a penalty upon an individual or citizen who was incapable during that time of carrying out the provisions of the bill. Certainly the licensees ought to be given an opportunity to come within the provisions of the law rather than to instantly make the law applicable without giving the licensees an opportunity to comply with it.

Mr. CROWTHER. Will the gentleman yield?

Mr. SCOTT. Yes.

Mr. CROWTHER. Referring to the definition contained in section 31, to which the gentleman from Texas [Mr. BRIGGS] just referred—

> The expression "radio communication" or "radio communications" wherever used in this act means any intelligence, message, signal, power, pictures, or communication of any nature transferred by electrical energy from one point to another without the aid of any wire connecting the points from and at which the electrical energy is sent or received and any system by means of which such transfer of energy is affected—

What do you call chain broadcasting, if this only applies where wires are not used? Of course, there we have the complication of the American T. & T. The American Telephone & Telegraph Co. is largely instrumental in the ability of these stations to hook up these immense chain broadcasting stations, is it not?

Mr. SCOTT. Yes.

Mr. CROWTHER. The control of telegraph wires and telephone lines is a very prominent factor in that. What do you call that kind of service if it is not radio communication?

Mr. SCOTT. Well, while the messages are in transit between two points on the wires, I doubt if under such condition they can properly be classified as radio communications.

Mr. CROWTHER. I do not call it radio.

Mr. SCOTT. We are attempting in section 31 to define radio communications, but in so far as chain broadcasting is concerned the present method has been by the utilization of the wires.

Mr. CROWTHER. That is what I wanted to bring out. Now, the other way is not really practicable as yet.

Mr. SCOTT. Not as yet.

Mr. CROWTHER. There may be a time when Washington will be able, with its own receiving stations, to pick up a program from Chicago and rebroadcast it, but that is not possible yet.

Mr. SCOTT. That is in an experimental stage.

Mr. BRIGGS. I think this matter is a rather important one, because it may relate to the construction to be given this bill, and I again emphasize that that definition does not exclude the control of wired wireless or the incidental use of wires which will connect radio broadcasting, but in order for any system to be excluded from this control it must be such a system where wires are indispensable to the use of it, such as telegraph communication and telephone communication. If the use of the wires is simply incidental, it does not exclude that control when used in connection with radio by this measure which it is proposed to pass.

Mr. SCOTT. I should say the gentleman's statement is correct.

Mr. BLOOM. Will the gentleman yield?

Mr. SCOTT. Yes.

Mr. BLOOM. The gentleman remembers that at the beginning of his statement he said this bill was particularly brought out and written in order to relieve the chaotic condition of the air. Is that right?

Mr. SCOTT. Well, I do not know that I so limited justification for this legislation.

Mr. BLOOM. I put it down.

Mr. SCOTT. All right.

Mr. BLOOM. The gentleman said it was to relieve the chaotic condition that now exists.

The SPEAKER pro tempore. The gentleman from Michigan has used 50 minutes.

Mr. SCOTT. I wish the gentleman would conclude his statement, because I wish to finish my statement.

Mr. BLOOM. I asked in advance if the gentleman would yield for some questions?

Mr. SCOTT. I have yielded to the gentleman quite liberally.

Mr. BLOOM. I just want to have that one question cleared up, that the principal reason why you reported out this bill in its present form is to relieve the chaotic condition of the air—is that right?

Mr. SCOTT. That is one reason, but there are other reasons. It is incumbent upon Congress to legislate on matters of this character, and I do not think the Congress should shirk its responsibility.

Mr. BLOOM. I agree with the gentleman; but will the gentleman kindly state for the benefit of the Members what other condition, outside of the present chaotic condition of the air, calls for the reporting out of a bill of this kind?

Mr. SCOTT. I think the gentleman is calling upon me for a rather superficial statement. I feel confident the last Congress possessed reasonable wisdom and I do not think the Congress or any committee of Congress would tolerate the consideration, let alone the passing, of legislation unless there was real and actual necessity for such legislation.

Mr. BLOOM. Does the gentleman remember how many minutes the Senate took in deciding to report the Dill bill?

Mr. SCOTT. No; but I do know the years which our committee has spent in the consideration of radio legislation.

Mr. Speaker, I reserve the balance of my time. [Applause.]

The SPEAKER pro tempore. The gentleman from Michigan has used 53 minutes.

Mr. DAVIS. Mr. Speaker, I yield 10 minutes to the gentleman from Oklahoma [Mr. MCKEOWN].

Mr. McKEOWN. Mr. Speaker and gentlemen of the House, this conference report writes a new bill. It may be necessary to write a new bill, but the justification for writing a new bill ought to be such as would appeal very strongly to the House for its confirmation.

I introduced in the committee a provision to protect the several States in the matter of broadcasting stations, and I want you gentlemen to give attention to this matter, because it is going to prove very important some of these days. I introduced an amendment to protect each State of the Union in the right to have at least one broadcasting station in that State. This provision was agreed to in the committee; it was reported to the House; it passed the House; it was put in the Senate bill and was passed by the Senate; but in this conference report it is left out.

Now, what justification have they to leave out of this report a provision that was passed by the House, a provision that went through the Senate; what justification have they to come in now and leave that out of this bill?

It may occur that the Department of Commerce in some instances will say to some of the Western States, like the States bordering on the Denver station, "Why, you can be served from Denver or you can be served from Hastings, Nebr., or you can be served from Dallas, Tex." In the allocation of these broadcasting stations every State in the American Union ought to have the right to have at least one such station.

Mr. CROWTHER. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. CROWTHER. Does the gentleman know of a State that does not have a broadcasting station?

Mr. McKEOWN. Oh, yes; there are some.

Mr. CROWTHER. How many?

Mr. McKEOWN. There are one or two.

If the gentleman will go now and try to get a station allocated to one of the Western States, he may be immediately met with the proposition that there is ample service to that State in some other near-by State. I do not want the law to say that they must be put in every State. I do not mean to say that at all. I do not say that they must be put in a State if the State does not want it; but every State that has a State university carrying on educational work in that State is entitled by right to have an opportunity to have a station, and there should be a sufficient wave length allocated to that State.

Mr. CROWTHER. If the gentleman will yield a moment, I agree with the gentleman. I do not want the gentleman to think I dispute the worth of his amendment. I simply wanted to know if there were any such States.

Mr. McKEOWN. There were some States that have not any.

Mr. CROWTHER. Is the gentleman sure about that?

Mr. ABERNETHY. Yes; North Carolina has not one.

Mr. CROWTHER. I heard a station in North Carolina the other night—Fort Bragg.

Mr. ABERNETHY. That is not a State station.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. WILLIAMSON. I want to say to the gentleman that the difficulty has mainly been that where a State university or other institution set up a station, they will not permit it to use sufficient power to carry their program more than a few miles from the station, and they have been preventing us from using sufficient power to distribute our program all over the State.

Mr. McKEOWN. In my amendment I reserved to every State one real wave length, which would give them an opportunity to operate fully in their own State.

Mr. WILLIAMSON. I think the gentleman's amendment is a good one.

Mr. ABERNETHY. Will the gentleman yield?

Mr. McKEOWN. Yes; I yield to the gentleman from North Carolina.

Mr. ABERNETHY. It is my understanding that until this recent decision the governor of our State could hardly obtain a hearing, and we have not our station fixed up yet, although we probably have the privilege of establishing it.

Mr. McKEOWN. I am simply trying to tell the gentlemen of the House now that in the bill as it was passed by the House and as it was passed by the Senate my amendment took care of the States. I provided that each State should have the right to establish a station, because the time will come when they will say, when it comes to the matter of allocation, "You are amply cared for by great stations that are near by."

Mr. BANKHEAD. Will the gentleman yield?

Mr. McKEOWN. I yield to the gentleman from Alabama.

Mr. BANKHEAD. I am in some confusion as to what the gentleman's amendment proposes as stated by him. Did the gentleman's amendment propose that the State per se, through its public officials or by its legislative act, should have the right to establish a station or that there should be at least one station established in the State, either by private enterprise or by the State itself?

Mr. McKEOWN. It gave the right to the State, either by private enterprise through a private company or individual, or otherwise, so that at least one broadcasting station could be put in each State.

Mr. SCOTT. Will the gentleman yield?

Mr. McKEOWN. I yield to the gentleman.

Mr. SCOTT. I am sure the gentleman does not mean to convey the impression to the House that the thing he seeks to accomplish is not capable of accomplishment under the provisions of the bill.

Mr. McKEOWN. I understand that this provision was left out and there has been no good reason given why it was left out. The gentleman must remember that when you go down to ask for a proposition from a department or bureau of the Government it is optional with them whether they give it to you or not, unless they are required to do so by law, and I am standing on the proposition that we ought not to surrender now this authority.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. LaGUARDIA. I am in sympathy with what the gentleman says about giving each State an opportunity to have a station, but if we provided that each State shall have at least one station, would not that give the commission an opportunity to say when other applications come in, "Your State has at least one station now and we are not going to give you any more." Would it not have that double effect?

Mr. McKEOWN. No; it would not do that at all, if the commission wanted to be fair, and I take it, it would try to be fair. My amendment simply gave each State the right to have at least one station, otherwise, when you go down and make application for your State, you may find that all the wave lengths have been allocated to the great stations in New York, Chicago, and the other large cities of the country, without any right in this State to have one of these stations allocated to it.

By adopting this report you are simply giving away a safeguard which would see to it that every State had such a station, and the people of every State of the Union are certainly entitled to have that. I say that no one here has shown any justification why that provision was left out after it had passed both the House and the Senate.

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. ABERNETHY. I have always heard ever since my youth the expression "As free as the air." I would like to have the gentleman give his opinion about that if we pass this bill.

Mr. McKEOWN. I am directing my attention only to one particular thing at this moment. Other questions involved in the bill will be discussed by my able colleague, Judge DAVIS, from Tennessee. Mr. Speaker, I say that without any justification and without any explanation why, they have taken a provision out of the bill that passed both the House and the Senate. What was the purpose of taking it out? There must have been some reason.

Mr. WOODRUFF. Mr. Speaker, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. WOODRUFF. Do I understand that this provision was passed by the House?

Mr. McKEOWN. By the House.

Mr. WOODRUFF. And also by the Senate?

Mr. McKEOWN. Yes.

Mr. WOODRUFF. Where is there any authority in the conferees of either the House or the Senate dealing with this bill to remove anything that has been passed by both the House and the Senate?

Mr. McKEOWN. I raised that point of order, and the Speaker held that, in view of the fact that in the Senate they had stricken out everything after the enacting clause and inserted a new bill, the conferees could do that under that situation. Of course, that is according to precedent and that is the ruling, but I say that before the House ought to be willing to vote for a conference report of that kind there should be some good reason shown why that was done, especially in view of the fact that it protects the several States in their right to have broadcasting stations.

Mr. WOODRUFF. Then technically the conferees were within their rights?

Mr. McKEOWN. Yes.

Mr. WOODRUFF. But morally they were not?

Mr. McKEOWN. I just say they did not have any right to do it, anyway.

Mr. SCOTT. Mr. Speaker, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. SCOTT. I am sure the gentleman will admit that a provision was left in the bill which met the approval of both the introducer of the bill in the Senate and the introducer of the bill in the House, and of the conferees, that accomplished the very same purpose the gentleman has in mind. In fact, it accomplishes it better by allowing the commission to make an equitable distribution rather than by affirmatively requiring them in the law to make a distribution which probably the committee themselves would not want to make.

Mr. McKEOWN. It does not require the commission to do any such thing. My provision was a safeguard to the States. My provision protected the States. The conferees took it out, and they have left the matter to the opinion of some commission as to what is an equitable distribution. There is no need for such a provision as that. One would assume that they would try to make an equitable distribution.

Mr. DAVIS. Mr. Speaker, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. DAVIS. In response to the suggestion of the gentleman from Michigan [Mr. SCOTT], there was a provision in the bill as it passed the House, to which there was no objection on the part of anybody on the House committee or in the House, which would have protected the situation and insured an equitable disposition, but that provision was knocked out of this bill and a bill substituted for it which does not protect or insure that right, as I shall undertake to show when I speak.

Mr. ABERNETHY. Mr. Speaker, this is one of the most important matters that has been up this session. This is Saturday afternoon. I think we should have a quorum present to hear this discussion. I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from North Carolina makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and fifteen Members present; not a quorum.

Mr. TILSON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The doors were closed.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 21]

| | | | |
|---|---|---|---|
| Aldrich | Cleary | French | Knutson |
| Allen | Connery | Fulmer | Kunz |
| Anthony | Connolly, Pa. | Gambrill | Lampert |
| Aswell | Cooper, Ohio | Golder | Lee, Ga. |
| Auf der Heide | Cramton | Goldsborough | Lindsay |
| Ayres | Crisp | Gorman | Lineberger |
| Barbour | Crowther | Graham | Linthicum |
| Beck | Cullen | Hale | Lyon |
| Bell | Curry | Hayden | McLaughlin, Mich. |
| Berger | Davey | Hill, Md. | McMillan |
| Bixler | Deal | Holaday | McSwain |
| Boylan | Dempsey | Hull, Morton D. | Madden |
| Brand, Ohio | Dickstein | Hull, William E. | Magee, Pa. |
| Britten | Doughton | Johnson, S. Dak. | Martin, La. |
| Butler | Doyle | Johnson, Wash. | Mead |
| Carew | Drewry | Keller | Mills |
| Carss | Esterly | Kendall | Montague |
| Carter, Calif. | Fort | King | Montgomery |
| Celler | Frear | Kirk | Mooney |

| | | | |
|---|---|---|---|
| Morgan | Prall | Sullivan | Vare |
| Morin | Pratt | Swartz | Wainwright |
| Newton, Mo. | Quayle | Sweet | Weller |
| Norton | Reid, Ill. | Swoope | Welsh, Pa. |
| O'Connor, N. Y. | Sabath | Taylor, N. J. | Wheeler |
| Oliver, N. Y. | Sanders, N. Y. | Taylor, W. Va. | Wingo |
| Parker | Somers, N. Y. | Thomas | Woodyard |
| Peavey | Spearing | Tincher | Wyant |
| Perlman | Sproul, Ill. | Underhill | Yates |
| Phillips | Stephens | Updike | |

The SPEAKER pro tempore. Three hundred and twenty-four Members have answered to their names. A quorum is present.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

The SPEAKER pro tempore. The time of the gentleman from Oklahoma has expired.

Mr. McKEOWN. Can the gentleman give me two additional minutes?

Mr. DAVIS. I yield the gentleman two additional minutes.

Mr. McKEOWN. Mr. Speaker, when this roll call was demanded and I was taken off my feet I was calling attention of the House to this proposition that in this report there was a provision made to protect the right of a State to have one broadcasting station. That right was reserved to each State. That provision passed the House; that provision passed the Senate, and these conferees, without having given a sufficient reason at this time to justify it, took that provision out of the conference report. It was language that was identical that went through the House to protect the States. Now, listen to this. If there was not some reason to justify the right of each State to have one broadcasting station, why was it taken out if they did not propose to use their discretion and not be hampered? Now, in regard to the difficulties you will have to encounter, whenever some of these States have a great number of broadcasting stations and some of the other States have not been so progressive yet and have not got the money to spend, and they have not had broadcasting stations; but when you come to your broadcasting station they will say to you, "Denver can supply you; Chicago can supply you; Kansas City can supply you, and you do not need any in your State." [Applause.]

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. BLOOM. I said I spoke to the gentleman from Maine [Mr. WHITE] and Senator DILL about it, and when I spoke to them about it they just laughed at me. That is the best answer I could get from these gentlemen.

Mr. GREEN of Florida. Will the gentleman yield?

Mr. BLOOM. Yes.

Mr. GREEN of Florida. Is this board of five to be a nonpartisan board or composed of Republicans?

Mr. BLOOM. Three and two.

The SPEAKER pro tempore. The time of the gentleman from New York has again expired.

Mr. SCOTT. Mr. Speaker, I yield 10 minutes to the gentleman from New Jersey [Mr. LEHLBACH].

Mr. LEHLBACH. Mr. Speaker, it is with considerable misgiving and reluctance that I support this conference report. As a general principle, I am opposed to independent commissions in our Government and did not look with favor upon the creation of one for the regulation and control of radio.

Independent commissions not incorporated in one of the departments of the Government and subordinate to the head of that department were obviously not contemplated by the framers of the Constitution as having a place in the structure they created. In the three great coordinate divisions of the Government—the legislative, the judicial, and the executive—the framers intended that the executive, as well as the legislative, should be directly responsible to the people. They created the office of President for a stated term, the incumbent to be elected by the representatives of the people, with the resultant opportunity given to the people to sit in judgment upon his administration. When they created departments to carry on the various functions of administration, they placed at the head of each an officer of the President's selection and responsible to him. Thus all the functions of administration are vested in agencies responsible ultimately to the President, who in turn is responsible to the people. The creation of independent commissions performing administrative functions and not subject to the guidance and control of the Chief Executive was an afterthought and not contemplated in the original structure of our Government. In most instances it has not been productive of beneficient results. For example: It is not an unreasonable suggestion that the maintenance, operation, and development of our merchant marine would have been carried on more efficiently and more economically if, instead of creating an independent United States Shipping Board, its functions had been vested in a bureau or division of the Department of Commerce.

Again, if the United States Veterans' Bureau had been subordinated to the Department of the Interior and responsible to the Secretary, as is the Bureau of Pensions, there may not have been accorded to a previous director of the bureau the opportunity to break into jail. If the office of the Alien Property Custodian were subordinate to and responsible to the Secretary of the Treasury, who can deny that its administration might not have been on a higher plane?

These various independent commissions are, in fact, directly responsible to no one in the Government. They are subject neither to supervision or control. In theory they are responsible directly to Congress. Manifestly, a legislative body has no means of making any control effective save by the unsatisfactory methods of imposing limitations on appropriations and conducting sporadic investigations when grave abuses come to light. Such freedom from restraint by a commission, board, or bureau tends to develop bureaucracy in its worse form. [Applause.]

However, politics—and by that term I mean the transaction of the business of the people collectively through the agency of government—is not an exact science, and accepted general principles can not be applied universally without any exceptions. Certain governmental functions by their very nature may not be performed by any department because these functions are in restraint of the departments themselves. The Civil Service Commission safeguards the selection of civil employees in all the departments, and consequently it could not very well be subordinate to a department whose actions in this respect it controls. The General Accounting Office audits the expenditures of all the departments, and hence ought not to be subordinate to any of them.

The Interstate Commerce Commission exercises functions so ramified, so far-reaching, and of such vital importance that it may well occupy a position subordinate to no department. However, here again it is fair to consider whether it would not be better to create in its stead a department of transportation and communication, with a Cabinet officer at its head and incorporated in the executive family, rather than leave it outside of the orderly scheme of government contemplated by the Constitution.

For these considerations I do not like the creation of an independent commission for the regulation of radio communications, even temporarily. [Applause.] If I could write this legislation, I would provide for an organization in the Department of Commerce responsible to the Secretary of Commerce and subject to his control. I would not even have an advisory commission to whom might be referred matters within the administrative functions of the department.

However, the need for radio legislation at the present time is extremely urgent. There exists a real emergency in the broadcasting situation curable only by legislation.

It was apparent that this legislation could not be obtained without providing in the bill for some sort of a commission. The division of power over radio by the Department of Commerce and the commission thus created may be broadly described. All ministerial and purely administrative functions are retained in the Department of Commerce and all determinations of matters of controversy and conflicting interests are vested in the commission. I appreciate that there is some force in the contention that such conflicts of interest involving rights of a very substantial value ought not to be left to the ultimate determination of a single officer of the Government and that a commission sitting as a quasi-judicial body to hear and determine conflicting claims more nearly meets the needs of the situation.

As I said before, the art of government can not be based on absolutely scientific principles and this radio commission may function usefully in dealing with its peculiar problems. For these reasons I have signed the conference report and urge its adoption. [Applause.]

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman has used seven minutes.

Mr. DAVIS. Mr. Speaker, I yield 45 minutes to myself. [Applause.]

Mr. Speaker, I regret very much that I was unable to agree to this conference report. It would be much more agreeable to follow the line of least resistance and join the other conferees in this report, but I could not conscientiously do that; and I think the Members of the House who are interested are entitled to know why that is my attitude.

I do not expect to defeat the adoption of this conference report by the House. I realize that there has been a tremendous amount of misleading propaganda; that an extensive campaign in favor of the passage of the White radio bill has been conducted by those expecting to profit thereby. I also realize that there is a general demand for some character of radio legislation by reason of the confusion and general dissatisfaction with respect to broadcasting. I myself readily concede, as I have many times stated on this floor and elsewhere during the past several years, that there is an imperative need for appropriate radio legislation. However, I deny that the problem will be solved or conditions improved by the enactment of just any kind of legislation. I earnestly insist that the enactment of this bill reported by the conferees would be infinitely worse than no legislation. From the viewpoint of public interest it would be very much better to permit the present unfortunate situation in the broadcasting field to continue until the next Congress, or to pass temporary legislation to obtain until the Congress can enact an adequate, comprehensive radio bill.

And I wish to state to those Members who may feel inclined in response to public clamor for radio legislation to vote for this bill with its vicious provisions, that whatever criticism might occur as a result of their voting against this bill will be nothing as compared to the public condemnation which will follow, if this bill becomes a law, as soon as its effects are seen and the public and the independent broadcasters realize what it has done to them.

I am opposed to this conference report because, according to my conception, it is not only not proper legislation but it is very far-reaching, very dangerous, and very vicious legislation, and surrenders some of the very important and fundamental rights of the American people, as I shall undertake to show to you.

I know that, perhaps, with the exception of one conferee from whom I have heard no expression, the members of the conference committee are not satisfied with this bill. With one exception I have heard all the conferees express their great dissatisfaction with it, and some of them who saw proper to sign the conference report because of their view of the urgency of and the great demand for legislation have condemned it in the strongest sort of terms. However, having seen proper to sign the conference report they are naturally in the position, as related by Irvin Cobb, of a former prominent United States Senator who was engaged in a conference with some of his other party leaders, in which they were undertaking to devise ways and means of electing the party ticket.

One of those present spoke up and said, "Well, Blank is a very poor fish and I do not see how we can afford to support him." This former United States Senator replied, "Yes; he is a poor fish, indeed, but he is our fish."

As a member for the past seven or eight years of the Committee on the Merchant Marine and Fisheries and of the subcommittee on radio thereof, I have given this problem, particularly from a legislative standpoint, the very best and most conscientious investigation and study of which I have been capable. I have absolutely no interest whatever in the matter except to discharge my duty as one of the Representatives of the American people.

HISTORY OF EFFORTS TOWARD RADIO LEGISLATION

Our committee held considerable hearings on radio in the Sixty-sixth Congress, but only reported out some resolutions dealing with certain phases of the subject.

SIXTY-SEVENTH CONGRESS

During the Sixty-seventh Congress our committee held considerable hearings on a radio bill introduced by the gentleman from Maine [Mr. WHITE]. I aided in revising, perfecting, reporting, and passing said bill through the House, advocating and defending the bill on the floor. The committee report accompanying this bill, which was prepared for the committee by Mr. WHITE, was filed January 16, 1923.

This report stated, in part, as follows:

The bill before you is not a comprehensive radio law but is limited in its scope. There are many phases of the subject which invite study and which in the not distant future may call for legislative action. Your committee has embodied in this bill only such proposals as are vital at this time and as to which the members of the committee are in unanimous agreement. The approaching end of the session and the imperative need for conferring upon the regulatory body the powers authorized by this bill are sufficient reasons for avoiding at this time controversial matters.

During the debate on the bill different Members criticized the bill because it vested too great power in an administrative official and because there were no adequate provisions against monopoly, for regulation of rates, and so forth. Different members of the committee answered such criticisms in the same manner as did the report, explaining that the Congress would soon adjourn and it was not considered possible to pass a bill within the short time intervening which contained highly controversial provisions, and that they had only presented an emergency bill, but giving assurances that such matters would likely be adequately dealt with in subsequent legislation.

Notwithstanding the fact that said bill was only presented as an emergency and temporary measure, and very moderate claims were made as to it, yet it was a much better bill, more protective of the public interest, and much less favorable to the monopoly than the bill under consideration.

After the passage of the bill through the House, the radio monopoly got very busy against it. It was never even reported out of committee at the other end of the Capitol.

SIXTY-EIGHTH CONGRESS

During the Sixty-eighth Congress our committee held extensive hearings on a radio bill introduced by Mr. White.

As a member of the subcommittee on radio, to which the bill was referred after the hearings, I again gladly aided in revising and perfecting said bill, and voted with the other members of the subcommittee to report back to the full committee with a recommendation that the bill be reported to the House; and the committee unanimously reported the bill to the House.

Hon. Herbert Hoover, Secretary of Commerce, appeared before the committee in behalf of the bill, and among other things made the following statements at the hearings thereon:

There is no problem of more technical complexity, or that has more indeterminate factors, at the present time, than the one you have under consideration. It is urgent that we have an early and vigorous reorganization of the law in Federal regulation of radio. Not only are there questions of orderly conduct between the multitude of radio activities, in which more authority must be exerted in the interest of every user, whether sender or receiver, but the question of monopoly in radio communication must be squarely met.

It is inconceivable that the American people will allow this newborn system of communication to fall exclusively into the power of any individual, group, or combination. Great as the development of radio distribution has been, we are probably only at the threshold of the development of one of the most important of human discoveries bearing on education, amusement, culture, and business communication. It can not be thought that any single person or group shall ever have the right to determine what communication may be made to the American people. * * *

* * * * * * *

We can not allow any single person or group to place themselves in position where they can censor the material which shall be broadcasted to the public. * * *

* * * * * * *

The problems involved in Government regulation of radio are the most complex and technical that have yet confronted Congress. We must preserve this gradually expanding art in full and free development; but for this very purpose of protecting and enabling this development and its successful use further legislation is absolutely necessary.

* * * * * * *

Radio communication is not to be considered as merely a business carried on for private gain, for private advertisement, or for entertainment of the curious. It is a public concern impressed with the public trust and to be considered primarily from the standpoint of public interest to the same extent and upon the basis of the same general principles as our other public utilities.

As soon as this bill was reported to the House, pursuant to directions of the committee, Mr. WHITE introduced a resolution providing for a special rule for the early consideration of the bill in the House, which resolution was referred to the Committee on Rules. Members of the Rules Committee gave assurance that said resolution would be promptly reported to the House. I personally saw the minority members of the Rules Committee, all of whom assured me that they would support the resolution.

The radio monopoly got very active against the bill, particularly because of certain antimonopoly provisions contained therein. Two representatives of the monopoly called upon me in my office and, among other things, stated that if certain provisions were eliminated from the bill they would no longer oppose its passage. I told them that, so far as I was concerned, as one Member of the committee and of the Congress, I would agree to no such thing and would see whether they were strong enough to prevent Congress from passing the bill.

The said bill was reported to the House May 13, 1924. The Committee on Rules failed to report a resolution providing for the consideration of the bill, the majority refusing to report the resolution. Consequently, that session of Congress adjourned June 7, 1924, without action on the bill.

Secretary Hoover's representative, the Solicitor of the Department of Commerce, collaborated with members of the radio subcommittee in the revision and final draft of the bill, and it was understood that Secretary Hoover was freely consulted as to the various provisions of the bill; it was also understood that the bill had the general approval of the Secretary of Commerce.

About the time the second session of the Sixty-eighth Congress convened, the first part of December, 1924, Secretary Hoover wrote a letter to Mr. White withdrawing his approval of the White radio bill, which had been reported by the House committee and was then pending in the House in the Sixty-eighth Congress, as before explained, Mr. Hoover taking the position in substance that there were so many important developments in the radio art and industry that the pending bill would not adequately meet the situation and that the enactment of comprehensive legislation should be deferred for 12 months in order that appropriate legislation might then be intelligently drafted in the light of development in the meantime so as to effectively deal with the situation and guard against the dangers which he mentioned in his letter.

However, Secretary Hoover submitted a short bill with a recommendation that it be substituted for the White bill and passed, such short bill being as follows:

*Be it enacted, etc.*, That it is hereby declared and reaffirmed that the ether within the limits of the United States, its Territories and possessions, is the inalienable possession of the people thereof and that the authority to regulate its use in interstate or foreign commerce is conferred upon the Congress of the United States by the Federal Constitution.

That section 1 of the act of Congress, approved August 13, 1912, entitled "An act to regulate radio communication," is hereby amended by adding at the end of said section the following:

The wave length of every radio-transmitting station for which a license is now required by law, its power, emitted wave, the character of its apparatus and the time of transmission, shall be fixed by the Secretary of Commerce as in his judgment and discretion he shall deem expedient, and may be changed or modified from time to time in his discretion.

The members of the Committee on the Merchant Marine and Fisheries being unwilling to substitute the short bill suggested by Secretary Hoover, no further action was taken during the Sixty-eighth Congress.

In my opinion, the said bill unanimously reported by the committee in the Sixty-eighth Congress was decidedly the best bill which has been at any time reported to the House, although it was inadequate and incomplete in several respects.

SIXTY-NINTH CONGRESS

Hearings on radio legislation were again held by the Committee on the Merchant Marine and Fisheries during the first session of the present Congress, and the subject was referred to the subcommittee on radio.

For the past few years there has been favorable discussion among members of the committee as to the advisability of creating a radio commission, clothed with full and exclusive authority to regulate radio, and also of the creating of a communications commission, clothed with full and exclusive authority to regulate all communications services, both wire and wireless. The radio subcommittee took up the consideration of drafting a bill along this line, and Mr. WHITE and I were directed to draft a bill along that line. However, it was decided that our committee did not have jurisdiction over legislation relative to wire communications, and it was ascertained that members of the committee having jurisdiction over this subject would object to our committee reporting legislation relative thereto. Furthermore, it developed that the Department of Commerce objected to the creation of a commission with exclusive jurisdiction over radio. Consequently, a majority of the subcommittee opposed the creation of such a radio commission. However, the subcommittee did incorporate in the bill provisions offered by me, dividing the country into five zones, providing for the creation of a commission composed of one resident citizen from each of said zones, and also providing for an equitable distribution of licenses, wave lengths, and power among the different zones and between the different States and communities within a zone; but the bill provided that such commission should only have authority to pass upon matters referred to it by or appealed from a decision by the Secretary of Commerce, and only authorized said commission to sit not to exceed 120 days in any calendar year and only on a per diem basis.

The committee reported the bill to the House. The bill as reported also changed to such an extent as to nullify the usefulness of the most valuable antimonopoly provision which was contained in the bill unanimously reported to and passed by the House in the Sixty-seventh Congress, and unanimously reported to the House in the Sixty-eighth Congress (S. 2930, sec. 2 (C)). However, the bill (H. R. 9108, sec. 4) as reported to the House in the present Congress contained another very important antimonopoly provision which would have proven most effective in the protection of the interests of the public and the independent broadcasters; but representatives of the radio monopoly got very active against said provision. Mr. WHITE introduced a bill identical with H. R. 9108, except that section 4 was omitted therefrom. On the following day, March 4, 1926, the Committee on the Merchant Marine and Fisheries reported to the House the said latter bill, H. R. 9971.

I filed minority views (Rept. No. 464, 69th Cong.) on the said bill generally called the "White radio bill," setting forth fully my position relative thereto. My position, briefly stated, was that the bill contained many excellent provisions; that I approved most of the provisions, but that the bill did not adequately and effectively meet the requirements and should be amended and supplemented; I insisted that the most important functions to be performed were quasi judicial in character and that an appropriate tribunal should be authorized to deal adequately with the problem; and I objected particularly to the deletion of those provisions designed to protect the public against the powerful and oppressive radio monopoly; I insisted that the time had arrived when we should redeem the assurances we had given in our report filed in the Sixty-seventh Congress and made by members of the committee during debate, and deal with the subject intelligently, effectively, and patriotically; that the time for emergency and makeshift proposals had passed; that the enactment of adequate legislation had already been too long deferred, and if still further deferred it would be still more difficult, if not impossible, to protect the public interest, as the radio monopoly was becoming so thoroughly intrenched and so powerful that it would be impossible to dislodge them from what they would be claiming to be their vested rights; that if the monopoly was now influential enough to dictate to Congress what provisions should or should not be incorporated in legislation, and even to prevent any legislation, what would be the result when they acquired complete control of all wire and wireless communication services and of the most potent political instrument of the future? During the consideration of the bill in the House I offered numerous amendments to the bill in an effort to effect the purposes indicated. While a few of my proposed amendments were adopted, yet most of them were rejected by very slender majorities. (See CONGRESSIONAL RECORD, 69th Cong., 1st sess., March 12, 13, and 15, 1926.) This bill passed the House March 15, 1926.

After extensive hearings the Committee on Interstate Commerce of the Senate, on May 6, 1926, reported the said House bill (H. R. 9971) with an amendment striking out all after the enacting clause and inserting a new bill in the form of one amendment to the House bill. The Senate bill, while retaining a large portion of the provisions in the House bill, provided that the commission created by the House bill should be authorized to act all the time, upon annual salaries, and should have exclusive jurisdiction over radio communications, and so forth. While, in my opinion, the Senate bill did not clothe the commission with sufficient authority to regulate rates, service, and so forth, of radio utilities rendering the public service for hire, and while the Senate bill also emasculated the important House provision providing for an equitable distribution of licenses, wave lengths, and power, yet on the whole it was the best radio bill which has yet been reported to either the House or the Senate. This bill passed the Senate without opposition and without a record vote on July 2, 1926.

THE CONFERENCE REPORT

We now come to the bill reported by the conferees and now under consideration.

In this connection, I wish to quote from the letter written to the gentleman from Maine [Mr. WHITE] December 5, 1924, in which Secretary Hoover withdrew his approval of the White radio bill then pending, recommended the substitution and enactment of the short bill heretofore quoted, "to enable the department to retain firm control of the situation," until probably 12 months later, when there should be enacted more comprehensive and effective legislation than embraced in the White bill or yet contemplated.

Mr. Hoover's said letter reads in part as follows:

I feel, however, that the new developments in the art during the last 12 months have taken such a departure as to require somewhat further time for ascertaining its ultimate result to the public before we can adequately determine the proper course of legislation. There is a probability that by the end of that time we may require wholly new legislative provisions * * *.

During the past year there have been discoveries in the use of higher power and therefore larger areas of broadcasting, which may result in a single station being able to cover a large portion if not all of the country. This raises questions of the rights of local stations and the rights of local listeners. Still another development has been the fact that it has been found possible by indirect advertising to turn broadcasting to highly profitable use. If this were misused, we would be confronted with the fact that service more advantageous to the listeners would be crowded out for advertising purposes.

Because of this situation there is growing up a demand for the limitation of the number of stations in a given area, and that such a limitation would be based on the service needs of the community, just as public utilities are generally limited by the rule of public convenience and necessity. Again, this enters a dangerous field of recognizing monopoly and implied censorship.

The public interest of radio broadcasting is rapidly widening. Entertainment and amusement have ceased to be its principal purposes. The public, especially our people on farms and in isolated communities, are coming to rely on it for the information necessary to the conduct of their daily affairs. It is rapidly becoming a necessity, and they rightly feel that since the public medium of the ether is used to reach them they have a direct and justifiable interest in the manner in which it is conducted.

From all of this, it seems to me, that there is a tendency which may require an entirely different basis in character, theory, and extent of legislation than any we have contemplated in the past. The basis of regulation and the fundamental policies to be followed must be finally declared by Congress, not left to an administrative officer. Hitherto we have conceived the problem to be one of interference, but there is now opening before us a whole vista of difficult problems. The development of the art is such that the whole situation is changing rapidly, and the opinion of to-day on the solution for a given difficulty is worthless to-morrow. I hope that another year's experience will show what direction of legislative course must be pursued. * * *

It is interesting to note that all of the developments and dangers to which Secretary Hoover referred have resulted to a remarkable, and in some instances an alarming, extent; developments and dangers which Secretary Hoover declared would require more definite, and effective legislation—probably "an entirely different basis in character, theory, and extent of legislation than any we have contemplated in the past," in order to protect the public interest.

And yet, the White radio bill, which passed the House during last session, utterly disregarded this prophetic warning of Secretary Hoover. The only material change from the bill which Secretary Hoover was discussing, with the execption of the provision providing for an equitable distribution of licenses, wave lengths, and power were the emasculation and elimination of the antimonopoly provisions contained in the former bill. In other words, the bill reported to and passed by the House during the present Congress was less comprehensive, less effective, and less protective of the public interest than the former bill. However, it was a good bill compared to the one reported by the conferees and now under consideration. The conference report recognizes, makes due allowance for, and deals with the subject in the light of these important present and prospective developments and dangers, but it deals with such situation as the monopoly would have it done. It deals with the situation in the interest of those responsible for these grave dangers, and against the interest of the people. In order that these grave developments and still greater and more serious developments to follow might not be interfered with, certain changes in both the House and Senate bills were sought and obtained, some of which changes I shall point out to you. Yes; the new situation called for changes, but the changes that are proposed would insure, increase, and perpetuate dangers which will soon become baneful realities. No; these ignominious changes were not asked for by, and are not in the interest of the people.

For several years I have been earnestly urging the enactment of comprehensive, adequate, effective legislation to deal with the radio problem and preserve and protect the public interest; I have predicted that, if we continued to temporize and defer the enactment of such legislation, the radio monopoly would become so powerful and so strongly entrenched that they would probably be able to defeat that character of legislation. Have we even now reached that point? If so, I can at least present my earnest protest.

While I do not hope to defeat the adoption of the conference report in the House, yet to the extent that time will permit I shall point out some of the iniquities in the bill under consideration and make some prediction as to what will happen if it becomes a law.

This bill is less protective of the public interests and more favorable to the monopoly and the profiteering interests than any radio bill that has passed either branch of Congress, or which has heretofore been reported to either branch of Congress.

While I am fully convinced that the interests of the public can best be served by an independent, regional, bipartisan commission, having full and exclusive jurisdiction over radio comparable to that vested in the Interstate Commerce Commission with respect to common carriers, and am certain that such a policy will be ultimately adopted, as is conceded even by most of those now favorable to retention of jurisdiction in the Secretary of Commerce, provided the radio monopoly does not continue to be able to dictate legislation on the subject, yet I am infinitely more concerned in other provisions in this bill.

In fact, during the consideration of this bill in the House, the amendments offered by me dealing with the subject of jurisdiction—in a spirit of compromise—involved the retention by the Secretary of Commerce of ministerial functions and vesting in the commission the quasi judicial functions. As I advised members of the conference committee, I was willing to go with them on the provisions with respect to jurisdiction and control, even though illogical, provided they would recede from the proposed changes with respect to vested rights and the equitable distribution of licenses, wave lengths, and power. This is not intended to indicate that I approved all the other provisions in the bill, for I do not; I also think that there should have been incorporated in the bill provisions to protect the public against monopoly and to authorize the commission to regulate rates and service, prevent discrimination and unfair practices, and so forth. However, I would have been willing to leave all of those matters for future consideration, but I can not give my consent to the surrender of important and vital rights of the people and to continue to permit gross discriminations against entire sections of the country.

The conferees have seen proper to eliminate substantially all of the important and valuable provisions contained in the Senate bill and have also eliminated or emasculated some of the most important provisions which were contained in the bill as it passed the House. As I view it, they have deleted the provisions in both the House and the Senate bills that would best protect the public interests and have inserted provisions which were contained in neither the House nor the Senate bill which are decidedly destructive of the public interest and favorable to the monopoly.

For instance, it has heretofore been generally recognized and asserted in both branches of Congress, in various bills, reports, speeches, and otherwise, that the ether within the limits of the United States is the inalienable possession of the people thereof; that the Congress of the United States has the right to control and regulate the use thereof in interstate and foreign commerce for the benefit of all the people; and that there is not and should not be permitted any vested rights in behalf of any individual or corporation.

Section 1 (A) of H. R. 9971, as reported to and passed by the House during the present session of Congress, and the same section of S. 2930 as it passed the Senate and was unanimously reported to the House in the Sixty-eighth Congress, contained the following provision:

> That it is hereby declared and reaffirmed that the ether within the limits of the United States, its Territories and possessions, is the inalienable possession of the people thereof, and that the authority to regulate its use in interstate and foreign commerce is conferred upon the Congress of the United States by the Federal Constitution.

The report accompanying the bill containing this provision, which was unanimously reported to the House by the Committee on the Merchant Marine and Fisheries in the Sixty-eighth Congress, which was written and filed for the committee by the gentleman from Maine [Mr. WHITE], contained the following comments on that provision:

> The first section of the bill declares the ether within the limits of the United States, its Territories and possessions, to be the possession of the people thereof, and asserts the right of the Congress under the Constitution to regulate its use in interstate and foreign commerce. The committee believes this to be declaratory only of existing law, and the assertion is made primarily to the end that notice of these fundamental principles and of the purpose of Congress to maintain them and to exercise its regulatory powers may be brought to all users of radio.

It will be noted that this provision is identical with the provision contained in the short bill which Secretary Hoover submitted to Mr. WHITE and suggested be substituted for the White bill then pending in the Sixty-eighth Congress, to which letter reference has heretofore been made and which short bill has heretofore been quoted by me.

The bill which was unanimously reported to the House in the Sixty-eighth Congress also contained a provision to the effect that the station license should contain a provision that the

license was issued subject to the condition that the license shall not grant any vested right in the license, frequencies, wave lengths, and so forth.

And as able and as conservative a Member of this body as the gentleman from Texas [Mr. RAYBURN], a member of the Committee on Interstate and Foreign Commerce, introduced another bill in the last Congress which provided—

that the ether and the use thereof for the transmission of signals, words, energy, and other purposes, within the jurisdiction of the United States, is hereby reaffirmed to be the inalienable possession of the Nation, but privileges to enjoy such use may be granted as provided by law for terms of not to exceed two years.

There were incorporated in the bill reported to and passed through the House during the last session of the present Congress the same provisions guarding against the acquirement of vested rights which were contained in the bill which passed the Senate and which was reported to the House in the last Congress, including the provision as to which the House committee report declared:

The committee believes this to be declaratory only of existing law, and the assertion is made primarily to the end that notice of these fundamental principles and of the purpose of Congress to maintain them and to exercise its regulatory powers may be brought to all users of radio.

Section 1 (A) of H. R. 9971 as it passed the Senate during the last session contained a provision which had been drafted by Judge Davis, the Solicitor of the Department of Commerce and next in authority to Secretary Hoover upon radio matters, as follows:

That the Congress hereby declares, asserts, and reaffirms that it is the policy of the United States to exercise judisdiction over all forms of interstate and foreign transmission of energy, communications, or signals by radio within the United States, its Territories and possessions; that the Federal Government intends forever to preserve and maintain the channels of radio transmission as perpetual mediums under the control and for the people of the United States; that such channels are not to be subject to acquisition by any individual, firm, or corporation, and only the use, but not the ownership, thereof may be allowed for limited periods under licenses in that behalf granted by Federal authority, and no such license, whether heretofore or hereafter issued, shall be construed to create any right, title, or interest, proprietary or usufructuary, in or to any such channel beyond the terms, conditions, and periods of such license.

Mr. MOORE of Virginia. Will the gentleman permit me to interrupt him?

Mr. DAVIS. Yes.

Mr. MOORE of Virginia. Will the gentleman indicate what argument was used in the conference against the assertion of such a fair fundamental principle?

Mr. DAVIS. In so far as there was any argument, I will deal with that after I state just exactly what is before us with respect to this matter.

Now, section 2(E)(b) of both the House and the Senate bills had similar provisions providing that a license should not be issued except upon condition that there should be no vested rights, and so forth. For instance, the Senate provision was—

No license shall be granted until the applicant either for a license or for a renewal of a license has signed under oath a waiver of any claim of right to any wave length or to the use of the ether because of any previous use of the same, whether by license or otherwise.

These were the provisions in the House and the Senate bills as they passed those respective bodies when we adjourned at the last session; and when it became apparent that the conferees would be unable to agree before the adjournment of Congress, because it only passed the Senate a day or two before we were to adjourn, the conferees unanimously, without a word of opposition on the part of any conferee, in order to preserve and protect the public interest, unanimously reported out a resolution, and that resolution was passed through the House I believe with but one dissenting vote, and it passed the Senate unanimously.

However, this was on the last day and during the rush it failed to be signed by the Speaker and the Vice President and did not reach the President until the beginning of the present session when it was promptly signed and approved by the President and became a law.

Now, what is that resolution? I only want to read to you the latter part of it dealing with the subject now under discussion:

And that no original radio license or the renewal of an existing license shall be granted after the date of the passage of this resolution unless the applicant therefor shall execute in writing a waiver of any right or of any claim to any right as against the United States to any wave length or to the use of the ether in radio transmission because of previous license to use the same or because of the use thereof.

This has been the position of this Congress up until recently, but this bill reported by the conferees repeals that resolution, which we adopted as aforesaid, and emasculates the other provisions that were in both bills as they passed the House and the Senate in such a manner that it does not preserve and does not protect the public interest.

The gentleman from Virginia asks why this position has been taken, why such a sudden change in the attitude of the very same conferees. The only reason I know, and the only reason I have heard any of them advance, is this:

When pursuant to this resolution the Secretary of Commerce prepared application blanks containing this waiver, members of the radio monopoly and others engaged in radio broadcasting for profit protested. Some of them have not yet signed. Some of those who signed the application accompanied it with letters of protest, and one member of the conference told me that if we had left it like it was there would be a lot of litigation resulting. Yes; that is true, but a lot of litigation will result if this bill passes, and as I told him, I would rather for the litigation to come under proper statutory provisions for the protection of the public interest. [Applause.]

Oh, it may be contended that they put in another provision in the place of those they took out of the House and Senate bills. Let us now examine that statement for a moment. Here is the substitute and I know that you who are lawyers, as well as the other Members of the House, will catch the distinction:

That this act is intended to regulate all forms of interstate and foreign radio transmission and communications within the United States, its Territories and possessions; to maintain the control of the United States over all the channels of interstate and foreign radio transmission; and to provide for the use of such channels, but not the ownership thereof, by individuals, firms, or corporations, for limited periods of time, under licenses granted by Federal authority, and no such license shall be construed to create any right, beyond the terms, conditions, and periods of the license.

They are not going to claim vested rights under a license. They are not making that claim now. They are going to claim vested rights upon the ground of prior use. As already explained, there are twice as many broadcasting licenses as can be satisfactorily employed, although most of them are worthless, because they are placed upon wave lengths with from a few to 30 other stations and are permitted to use a small amount of power, which is drowned out by the high-powered stations upon better wave lengths that have been granted the members of the radio monopoly.

There was some reason on the part of somebody for repealing that resolution we adopted last July and eliminating the provisions in both the House and the Senate bill and writing new sections. They would not have gone to the trouble of doing that if it did not change the situation; but I tell you that it changes the situation most materially, and the lawyers for those big concerns know it.

Here is another proposition on the subject of waiver. You will remember how direct and clear the provision was in the resolution that we passed as well as in the other original bills. Here is what they substitute for a repeal of that resolution and the deletion of those other provisions:

No station license shall be granted by the commission or the Secretary of Commerce until the applicant therefor shall have signed a waiver of any claim to the use of any particular frequency or wave length or of the ether as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise.

In other words, all that is asserted there, all that is claimed upon behalf of this Congress speaking for the American people, upon the question of the use of the ether is that we reserve the right to regulate. Under that provision I want to know how, as is going to be necessary to clear the situation, the Congress can deny an application for a license or the renewal thereof? That is the situation now under the 1912 act.

The present radio act likewise provides that no person shall use or operate any apparatus for radio communications "except under and in accordance with a license, revocable for cause, in that behalf granted by the Secretary of Commerce upon application therefor," and provides that any person so offending shall be guilty of a misdemeanor, and so forth. It further provides that the apparatus so unlawfully used may be adjudged forfeited to the United States. The courts have held that under that statute the Secretary of Commerce could not deny a license to anybody. The Zenith Corporation was granted a license to operate on a certain wave length and proceeded to operate on another wave length. The owner of the station was indicted and tried for violating the act, but was acquitted and is

still operating on the wave length he "pirated." If we do not enact legislation materially different from the present law and from that proposed in the pending bill, we will still be in the same position. If the Congress is too meek to assert and protect our rights as representatives of the people, how can we expect administrative officials to vigorously assert and maintain the rights of the public against the most powerful monopoly in this country?

If, as a matter of fact, the ether is not the possession of all the people, and if, as a matter of fact, any individual or corporation can acquire a vested right for use of the ether in broadcasting and he can not be deprived of that right, as is going to be their contention, how can this Government deal with that situation? Oh, it may be said that there is a provision in the bill that states that they can not operate a broadcasting station without a license. Yes; that is true; and that is true of the present law; but the only penalty under this conference bill for so operating a station would be that they could be indicted for a misdemeanor, and any one of those stations in order to retain one of its very valuable wave lengths could well afford to pay a fine occasionally. But if it is true, as we are insisting, and as this bill concedes in effect, that they have acquired vested rights from which they can not be ousted, there is grave doubt as to whether or not the courts will sustain the right of the Government to regulate the matter in such a way as to undertake to materially disturb them in the exercise of that vested right.

Mr. WHITE of Maine. Mr. Speaker, will the gentleman yield?

Mr. DAVIS. Yes.

Mr. WHITE of Maine. I understood the gentleman to say the only penalty for violating this act, operating without a license, is a fine of $500.

Mr. DAVIS. I did not mention that at all.

Mr. WHITE of Maine. I understood the gentleman to say that. The language of the act says——

Mr. DAVIS. Oh, I understand that for violation of the act they may be fined not exceeding $1,000 or may be imprisoned not exceeding one year.

Mr. WHITE of Maine. It is $5,000 or five years imprisonment, or both.

Mr. DAVIS. I thought it was one. I had not noticed the figures in the conference report. But that is in the alternative. They may be fined 1 cent or imprisoned for one minute, as there is no minimum as to the amount of either the fine or the imprisonment. But as I say, if we concede that they have vested rights and if we are not going to assume the position that we have heretofore maintained without division, and which was not changed until a few days ago, where do we get any authority to control the ether? Those concerns have been exerting their influence through propaganda and otherwise to change those provisions. They are probably satisfied with this bill, and they are certainly pleased with those changes in their favor. There is not any question about that.

Mr. MANLOVE. Mr. Speaker, will the gentleman yield?

Mr. DAVIS. Yes.

Mr. MANLOVE. If the basic law does give these concerns a vested right, could they force the commission or the Secretary of Commerce to grant them licenses?

Mr. DAVIS. I think probably they could. That is what is happening now. Under the present law they have been mandamused, compelled to issue licenses, and I think it could be done under this bill. If they have a vested right in a wave length, or the use of the ether, they can enforce it; but I say, just as Mr. WHITE's report said, and it had the sanction of our whole committee in the last Congress, that is not the law, and I say that we ought not to concede in this bill that it is the law. [Applause.]

INEQUITABLE DISTRIBUTION OF LICENSES

There are now about 700 broadcasting licenses, as has been stated. About 600 of those are held in 21 States, chiefly in a few large cities. Seventy of these are in one State. The other hundred are divided among 26 States, but the worst feature of it is that most of those licenses are not worth the paper they are written on. They are either placed on wave lengths, as I said, with all the way from a few to thirty other broadcasting stations and in numerous instances given the right to use only 10-watt or 50-watt or 100-watt power. As Mr. WHITE himself said on the floor of the House last session, "There is inequitable geographical distribution of stations."

The result is they have not got a chance in the world against the high-powered stations with splendid wave lengths. Generally speaking, the chosen few, chiefly members of the monopoly, have been given the valuable exclusive wave lengths, in the higher bands of frequency, and the hundreds of independents—making no charge for broadcasting, as a rule—are crowded together on the same wave lengths in the less-desirable bands of frequency and authorized to use inadequate power. Why, you take my State, for instance. Last spring, when I examined the situation, there were 11 licenses in Tennessee and the aggregate watt power that those 11 stations were authorized to use was 2,910, and those 11 stations were placed upon these undesirable wave lengths with 125 stations, and in many instances only authorized to operate part time. In other words, the valuable wave lengths, the exclusive wave lengths, with few exceptions, have been given to the members of the Radio Trust and a few others, large concerns who are engaged in this for profit, and some of them are making a tremendous profit. Last spring there were 15 stations authorized to employ 5,000-watt power, and one of them was authorized to employ 50,000-watt power, and you gentlemen from New Jersey know what a great disturbance station WJZ at Boundbrook, N. J., owned and operated by the Radio Corporation of America, has caused. There were 1,012 short wave-length stations, all owned by the monopoly, licensed to use 20,000 to 40,000 watt power.

Some of the highest and most disinterested authorities say that the chief trouble is caused by the superpower permitted to be used by some stations. They play all over the sets of people trying to receive programs from local stations. Now to give you some conception—and this is not a sectional matter—I am insisting that there should be no discrimination against or in favor of any section, but when I figured them up not long ago, in the entire South and Southwest, constituting one-third of the geographical area and of the population of this country, there were 79 broadcasting stations, and there was not one first-class license in the whole lot, and is not to-day, south of the Ohio River. There have been some changes since that court decision, since which there has been but little restriction; but until then, of the 79 stations there were only two stations in that entire land that had the right to employ more than 500-watt power, or in class B, which authorized them to use the highest bands of frequency, and one of these was authorized to use 1,000 and the other 1,500 watt power, and yet many of them sought in every conceivable way to obtain a better license.

I know in particular of one governor who came to Washington in an effort to procure a license for a great State university doing agricultural extension work in order that they might have a license to broadcast to the farmers of that State the result of their experiments and investigations, yet he went home without a license. Now, I say there should be an equitable distribution. I do not think that any fair man can dispute that fact. We had in the House bill, the bill which passed the House at this session, a provision that was designed to effect that result. There was not a word said against it by a Member of this House. While there were hot contests over other provisions not a Member protested against that provision. The House conferees surrendered that provision and accepted one that means nothing. They not only surrendered that provision, but, as the gentleman from Oklahoma [Mr. MCKEOWN] stated, they deleted from the bill they now report the provision that passed both the House and the Senate in identical language without any criticism from anybody so far as I heard, undertaking to assure to each State the consideration, the poor consideration, of having at least one broadcasting station. Oh, it is true that they adopted something in lieu of that entire provision, but you gentlemen will see the difference just as soon as I call attention to the same.

In the first place there was a reason for the change. Of course, nobody could have an interest in making a change if it meant nothing. Now here was the provision in the bill as it passed the House:

> In considering applications for licenses and renewals of licenses, when and in so far as there is a demand for same, the Secretary of Commerce shall make an equitable distribution of licenses, bands of frequency or wave lengths, and of power among the different zones established in section 9 of this act, and shall apply the same principle as between applicants from the different States and communities within each of said zones.

Those zones were divided so that there was no criticism of the division. The first four zones are substantially the same in population. The fifth zone, the one including the Pacific and Rocky Mountain States, contains considerably less population, but a very much larger geographical area, so it was thought that they were entitled to consideration from the large geographical area and the fact that the signals can not successfully cross the mountains in many instances.

There has been no criticism of that. I drafted that provision, and I am glad to say that there has been no charge of unfairness. The zone in which I reside has a larger geographical area,

except the western area, than the others, and the largest population.

Now what is substituted for this provision and the provision which the gentleman from Oklahoma [Mr. McKEOWN] discussed, which was likewise deleted? I read section 4:

> In considering applications for licenses and renewal of licenses when and in so far as there is a demand for the same, the commission shall make such a distribution of licenses, bands of frequency or wave lengths, periods of time for operation, and of power among the different States and communities as to give fair, efficient, and equitable radio service to each of the same.

There is a very great difference between the two provisions just quoted. The provision adopted by the conferees does not insure an equitable distribution of licenses, wave lengths, and so forth. A State or a section might be fairly and efficiently and what might be construed as equitably served without having a broadcasting station within its borders. It might be construed or contended that it could be better served, be furnished better programs, by the larger stations operating on exclusive wave lengths and with high power and receiving a large enough income to be able to put on costlier and better programs. In fact, it is the contention of some people, including the radio monopoly and, I am advised, Secretary Hoover, that the best broadcasting service can be rendered to the whole country by a few large stations. However, such a view utterly ignores the rights of the different sections and the desire of the citizens of different sections to have information and other programs of a sectional, State, or local character broadcast. Not everybody is interested solely in either jazz or operatic music.

It is a well-known fact that a State or section may be served, we will say, fairly and efficiently, and what some might construe as equitably, without having a broadcasting station within its confines.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield there?

Mr. DAVIS. Yes.

Mr. MOORE of Virginia. It would be very interesting for us to know, if the gentleman would tell us, who drafted that provision after it had received the concurrence of both Houses.

Mr. DAVIS. Well, I will say that the provision that passed the House was not identical with the one in the Senate, and this provision that was adopted was in the Senate bill. I do not know who drafted it or who was responsible for it. The gentleman who sponsored it said he was unwilling to agree to an equitable distribution of licenses.

Now, understand the original House provision did not require an equal distribution. It did not go that far. It required an equitable distribution; and this must be taken in connection with the fact that many people, including members of the radio monopoly, believe and assert that the best service for the whole people of America can be rendered by a few large, powerful stations.

We had a situation in my own State last fall which was doubtless true in the case of many of you, in which on the night of election we undertook to get returns not only from the Nation, but from our own State. I was at a good receiving set within 69 miles of Nashville, the State capital, where there are three stations. One of them is as good as there is in the South. I could not get any of those stations. We could not get the Memphis station, or the Knoxville station, or any other Tennessee station. We could not even get the Atlanta station or the Louisville station. But we could get Pittsburgh, and a station in Chicago, and one in Cincinnati, and occasionally we could get something from a station at St. Louis, along with a program from another station at the same time. We were entertained with static and "jazz." The result was that we did not know—I did not know—who was elected governor of my own State until I received the newspapers the next day. That shows the situation.

Only a few of the stations can now be heard. And I want to tell you that you are going to find that that is going to be the situation hereafter. In the first place, a license may be utterly valueless, as most of them are; but even if a station obtains a license to operate upon a good wave length and with adequate power it has just started, because it can not budge an inch without the permission of and without paying a royalty to the radio monopoly, which is the most powerful, the most effective monopoly, in my opinion, in this country.

The SPEAKER pro tempore. The gentleman has used 45 minutes.

Mr. DAVIS. I yield to myself the balance of my time.

The SPEAKER pro tempore. The gentleman is recognized for 16 additional minutes.

Mr. DAVIS. I wish I had time to show to you the character and the extent of this monopoly. The gentleman from Maine [Mr. WHITE] in a former Congress introduced a resolution, which the Committee on the Merchant Marine and Fisheries unanimously reported and which this House unanimously adopted, which directed the Federal Trade Commission to investigate the radio monopoly.

They did that, and they have filed a report which has been printed as a public document which speaks for itself, and the admitted written contracts entered into between the members of this monopoly show conclusively upon their face that they are a monopoly, and that they are controlling absolutely the whole industry. They have allocated among themselves the right of manufacture and of sale and of operation of radio apparatus. I discussed this monopoly fully in my minority views on H. R. 9971 (Rept. No. 464, present Congress).

Mr. GARRETT of Tennessee. Will my colleague yield?

Mr. DAVIS. Yes.

Mr. GARRETT of Tennessee. The gentleman from New York [Mr. BLOOM] directed the attention of the House to a situation which certainly excited very great interest. My colleague may also have referred to it. I had to be absent during a part of his remarks. I want to get a little bit more information along the line suggested by the gentleman from New York. If his suggestion is correct, that the passage of this bill would result as he says, certainly a very heavy charge would be placed upon those who have receiving sets, or who will have receiving sets hereafter; they would have to pay a tax for listening in. Is that possible?

Mr. DAVIS. That is not only possible but probable.

Mr. GARRETT of Tennessee. What would be the effect on receiving sets now in existence? Would it necessitate the 10,000,000 receiving sets now in existence paying that tax?

Mr. DAVIS. That would probably result. They have been doing many things to make necessary the purchase of apparatus.

As a matter of fact, the purchasers of radio-receiving sets are already sustaining a heavy burden; the sales of radio apparatus last year amounted to the enormous sum of $550,000,000. However, this burden is probably small compared to that which can and will be imposed upon the people in the event this bill becomes a law. As before stated, the radio monopoly already has complete control of broadcasting apparatus and can consequently prevent anybody from broadcasting by simply refusing to sell them broadcasting apparatus or by canceling or refusing to renew the agreement permitting the operation thereof. As soon as there is more money in broadcasting than there is in selling broadcasting sets, which time will soon arrive under the provisions of this bill, the monopoly would proceed to put all of the independent broadcasting stations out of business; they have practically done that already with their high-powered stations.

The Radio Corporation of America recently organized a subsidiary, the National Broadcasting Co., which already controls 25 of the largest broadcasting stations, including WEAF and WJZ, of New York, and WRC, of Washington. The president of this company just the other day made the following statement:

> Due to the fact that all broadcasting stations in the United States are operating at a loss, and because the public will not permit promiscuous "plugging the trade" broadcasting, I expect to see many of the smaller stations among the 600 to 700 in the country gradually disappear as their owners' interests wane and the big deficits appear.

When the monopoly gets matters arranged just as it wants them so that it will completely dominate the broadcasting field and then so construct its broadcasting apparatus that the programs therefrom can only be received by apparatus manufactured by it, the listeners will be completely at its mercy and can be made to pay a royalty or rental or a charge under whatever name it may be called. If they become much more influential with Congress, they may force it to impose a tax upon the owners of receiving sets for the benefit of the monopoly. Advices have just been given out by the Department of Commerce that the Philippine Islands Legislature has just enacted the Nieto bill, which imposes a tax upon every owner of a radio receiving set for the support of the privately owned broadcasting station. I understand that they are American owned.

The National Radio Club of Washington has a membership composed of broadcasting stations. It frequently issues bulletins to its members. In its bulletin "To Stations," sent to its members September 2, 1926, there is contained the following:

> Keeping in mind the recent absorption of the broadcasting business of the telephone interests by the Radio Corporation, the news that the former interests are about to build a broadcasting station at Whippany, N. J., for "experimental purposes," and the recent court decisions bearing on instrument design (which might result in radical changes in present-day equipment), it ought to be of interest that within a few days an engineer is to visit Washington for the purpose of "studying the District in the interest of wired wireless." It is within the realm

of possibility that shortly broadcasting practice will undergo a radical change. The older forms of radio instruments may be found unfitted to effect a "pick-up," as programs may be sent out in a manner as different from that of the present time as day is from night. Again, suits and restraining orders may cause the closing of "independent" stations and then all programs will issue in a manner that will make it possible to the broadcasters (?) to charge and collect fees for their entertainment. This, of course, would mean the scrapping of present-day equipment, but what redress has the present owner of a set if there be no broadcasts suitable for his instrument to receive? Sure, there is something abrewing; all signs point to it. To listeners with valuable sets and those station owners with large investments the above ought to appeal most strongly.

Right along the line I was discussing, the licensee of a broadcasting station can not operate until he gets the apparatus, and this monopoly claims to be the owner of the patents upon some of the apparatus that must enter into the construction of a broadcasting station.

In the first place, they can not operate under the patents without their permission, and, in the second place, they can operate only on such terms and conditions and on the payment of such royalties as are prescribed by the members of this monopoly.

Now, in addition to the fact that they can construct the broadcasting apparatus so as to control the character of reception and which would have the result suggested by the gentleman from New York, I want to say this further, that there has already been developed at Government expense and in Government laboratories under General Squier, late Chief of the Signal Corps, an invention upon which patents were procured at the instance of the Secretary of War in 1910, and this invention permits the reception of a broadcast program, whether wired or wireless, in the home over a telephone wire, and, of course, the owners of those wires could control their use. I want to say there is coupled up with this radio monopoly the power monopoly and they could charge, and I have reason to believe it is their intention to charge, the users of telephones a fee for having those receiving sets connected with their wires. This great invention, developed under a $30,000 appropriation made by this Congress and in the Bureau of Standards under the direction of General Squier, has been taken over by the American Telephone & Telegraph Co., and in a lawsuit it was determined that they had the right to use it because the War Department gave it to the public, and the American Telephone & Telegraph Co. has added to that some relatively unimportant patents and has forbidden and enjoined the use of this invention by other parties.

The American Telephone & Telegraph Co. is one of the leading members of the radio monopoly and its subsidiaries comprise the telephone monopoly.

These are some of the reasons why the radio monopoly is content with the present situation and has fought all the bills except the one now under consideration. They are opposed to any further legislation unless it will make it still easier for them, as will be the case if this conference report is adopted.

The general public is inclined to consider this only from the standpoint of broadcasting, but I want to tell you that is one of the least important features. It involves not only the transmission of the human voice, but of pictures and of power. It has already been clearly demonstrated that you can operate submarines, ships, and airplanes by radio; you can also operate railroad trains, automobiles, and street railways. There is no question whatever but that you can transmit and that they are transmitting power or energy, and both terms are recognized and used in this bill.

I want to ask you, Members of Congress, if we are going to surrender the rights of the American people and take back our assertion that this great right, the use of the ether, should be for the public benefit and for all of the people; that it belongs to the American people and not to the American Telephone & Telegraph Co., the Radio Corporation of America, or any other member of this monopoly? [Applause.]

Mr. BOX. Will the gentleman yield?

Mr. DAVIS. Yes.

Mr. BOX. Can the gentleman state, within his brief time, just how this bill will increase the danger of charging for listening in?

Mr. DAVIS. In the first place by protecting instead of dissolving the radio monopoly. In the second place there is not anything in this bill which forbids a charge to listeners, which authorizes this commission or the Secretary of Commerce to regulate rates or to prevent exorbitant rates or charges of any kind or to prevent discrimination, although Secretary Hoover himself said, properly, that radio stations operating for profit are public utilities and ought to be considered as such, and although the members of these big concerns admitted at the hearings, as I would show if I had the time, that they are public utilities, that they should be regulated both as to rates and service and that they did not object to it, yet we are proposing to pass a bill that has no such provision in it for the protection of the public, except with a single exception.

As I have called to your attention, there is one provision in it—emasculated from what it was in the bill unanimously reported in the last Congress and the bill which passed the House in the previous Congress, in which bills authority was given to the commission to prevent discrimination and unfair practices and also to refuse to grant a license to anybody monopolizing any feature of the radio industry; yet the only provision that is in this bill in that particular is one which provides that the commission may revoke a license when it has been found and certified to them in a proper proceeding by the Interstate Commerce Commission or some other lawful authority that somebody is charging an unreasonable rate or engaging in discrimination. Yet the Interstate Commerce Commission has never undertaken to exercise any jurisdiction over radio, and members of the commission have said they could not do it; that all their time is taken up with railroad matters. No other tribunal is authorized to regulate radio. There is one further exception. There is a provision in the bill, which is a denatured form of a provision in the Senate bill, which provides that if a broadcasting station permits a legally qualified candidate for public office to make a political speech through their station they shall afford an equal opportunity to his opponent or opponents; but the way it has been operated heretofore in that respect was that they would propose such an unreasonable charge that a poor man could not avail himself of the service. One man who was a candidate told me he undertook to obtain that privilege and that they charged him or proposed to charge him $1,500 an hour.

Mr. BLOOM. Will the gentleman yield?

Mr. DAVIS. Yes.

Mr. BLOOM. Is it not a fact that if anyone did have a patent pertaining to radio he could not use it because the American Telephone & Telegraph Co. has the only hook up and that they control every bit of hook up for broadcasting purposes in the United States?

Mr. DAVIS. Certainly. Everybody knows that they could monopolize that; that they and their subsidiaries control all the important telephone systems in this country, and that all of these chain broadcasting radio programs go over the wires of the American Telegraph & Telephone Co. or its subsidiaries.

Mr. BLOOM. And that with them in the control of these patents the 10,000,000 receiving sets in use to-day would absolutely be junk unless the owners of them bought their attachments or bought their machines; is not that a fact?

Mr. DAVIS. Yes; that is true.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. DAVIS. Yes.

Mr. LAGUARDIA. I am in sympathy with what the gentleman is seeking to obtain, as suggested by the gentleman from New York [Mr. BLOOM], and I am sure that in a very short time the art will so develop that it will be necessary to purchase devices for selectivity and even for reception, but assuming we put in a regulatory provision and declared it to be a public utility, could we still control the price or the use of such devices?

Mr. DAVIS. Yes. The Committee on the Merchant Marine and Fisheries in the last Congress reported out a bill, section 4 of which would have prevented the situation which we are discussing and which was praised in the strongest sort of terms in the committee report, because it was simply declaratory of what the Supreme Court had already said. The Supreme Court has said that a patent does not give the right that many people believe and which they are claiming.

The owner of a patent may withhold it from public use, he may manufacture it, or he may refuse to do so; but if he manufactures it and puts it upon the market, he has no right, under the decisions of the United States Supreme Court in the case of Strauss against Victor Talking Machine Co. and other cases, to undertake to impress any condition or restriction as to resale or as to the use of it after he has sold it; but they are doing this all the time, and this is the way they are holding down the other stations.

Mr. LAGUARDIA. But that decision only affects resales; it does not affect the original charge from the owner to the first reseller.

Mr. DAVIS. I have not the time to enter into all these details, but I want to say that there is a decision with respect to the sale of shoe machinery which was sold upon the condi-

tion that it should only be used with other machinery made by the same manufacturer. They went into the courts and the courts held that they had no right to impose any such conditions, and that whenever they sold the machine they parted with their rights to it, and that is the law. [Applause.]

The SPEAKER pro tempore (Mr. MICHENER). The time of the gentleman from Tennessee has expired.

Mr. BLOOM. Will the gentleman from Michigan yield me one minute in order that I may reply to the gentleman from New York [Mr. LAGUARDIA] on this question?

Mr. SCOTT. Yes; I yield the gentleman one minute.

Mr. BLOOM. I would like to say to the gentleman from New York [Mr. LAGUARDIA] that that point is covered in the present copyright law of 1909 under which it is claimed that the Government has the right to regulate the prices of monopoly-controlled articles and where authors or composers have the right to charge only 2 cents for the use of their copyrighted or monopolistic material. This is the law to-day, and the same thing can be done with respect to these patents under that law just as in the case of copyrights.

Mr. LAGUARDIA. If it could be applied that far.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. SCOTT. Mr. Speaker, I yield five minutes to the gentleman from Louisiana [Mr. LAZARO].

Mr. LAZARO. Mr. Speaker, you will remember that during the last session of Congress the House passed the White radio bill and the Senate passed the Dill bill. The Congress was about to adjourn when the Dill bill was passed, so the conferees did not have time to get together before the end of the session. Soon after the present session opened the conferees began to hold conferences and finally agreed upon the bill that is now before us for consideration.

For one year after the bill becomes a law a Federal commission of five members, one for each zone, will have complete control over radio. After that time it will have final authority in all controversies arising from the decisions of the Secretary of Commerce, who will have initial control after one year.

The commission will have authority to classify radio stations; prescribe the nature of the service to be rendered by each; assign wave lengths to the various classes of, and to, individual stations; determine the location of classes of stations or individual stations; regulate the kind of apparatus to be used with respect to its external effects; make regulations to prevent interference between stations; establish areas or zones to be served by any stations; make special regulations applicable to radio stations engaged in broadcasting, and have authority to hold hearings and compel the production of books and documents.

After the Secretary of Commerce takes over supervision of radio questions, he can refer to the commission any question he sees fit, and any person, firm, or corporation may appeal to the commission from any ruling or regulation made by him.

Besides those powers assigned to the commission and the Secretary, broad authority is given to the President to assign wave lengths to Government stations and in times of emergency to take over and operate or close up or dismantle any and all commercial or private stations. Just compensation will be given to the owners in case it becomes necessary to do so.

Licenses will be refused to any person, firm, or corporation found guilty in a Federal court of unlawfully monopolizing or attempting unlawfully to monopolize radio communication.

The antitrust laws are made applicable to the manufacture and sale of, and to trade in, radio apparatus and devices in interstate or foreign commerce.

The bill also protects us from foreign control of any radio stations. All national broadcast paid for by individuals or firms will have to be announced by the producing stations as paid for or furnished by such individual or firm, and stations permitting a political candidate to broadcast will be required to extend similar courtesies to all other candidates for that office.

Provision is made for a fine of $500 to any person, firm, or corporation violating the law or regulations issued under the bill's provisions, and a fine of $5,000 or imprisonment for not more than five years, or both, for any person knowingly making a false oath at any hearing or in any affidavit held or required under provisions of the measure.

While we do not claim this bill to be perfect, we feel that it is the very best that could be agreed upon at this time. With the absolute chaos in the air and the demand of the public for relief, I think it is our duty to pass this measure at this time. Later on we will have an opportunity of observing how the law functions and, if necessary, we can perfect it. [Applause.]

Mr. SCOTT. Mr. Chairman, I yield five minutes to the gentleman from Georgia [Mr. LARSEN].

Mr. LARSEN. Gentlemen, there are just a few questions I would like to bring to your attention. The Democrats on this committee have worked persistently for two or three years trying to report out a radio bill that would meet the demands of the situation. We have been trying to get what would suit the Members on this side of the aisle, and I believe we have a workable program so far as it is possible at this time to get one. Gentlemen on the other side of the aisle representing the committee in this capacity have done the same thing. The gentleman from Maine [Mr. WHITE], in my judgment, deserves a great deal of credit. He knows more about this legislation, I believe, than any other man at either end of the Capitol. [Applause.] He has worked on it almost continuously for three years and has worked intelligently, honestly, and sincerely.

Gentlemen, the problem as to the control of the ether is not purely and simply a domestic question. It is more than that. It is an international question; and we might just as well realize that it is an international question and not try to settle everything within the United States. What does a declaration as to what a man claims or what may be his authority amount to unless he has something to back up that declaration? We say that we own and control the ether above the United States; that it is the inalienable property of the people of the United States, and so forth. This sounds well. The phraseology is good; but, gentlemen, we might just as well look at the matter from a practical standpoint. Are we in a position to enforce such declarations or rights?

Suppose that over in Canada some corporation should undertake to set up a large broadcasting station and should set it up within 10 feet of the United States line. What would our declaration be worth? How could we protect it? How could we maintain those rights and declarations if we should state them in the bill and assert that we had the right to control? Everybody knows we could not do it, short of war, unless they agreed to it. Suppose Canada wants to communicate with Mexico. How are we going to prevent it?

The point I want to impress upon you, gentlemen, is that this is a matter to be regulated by treaty and not a matter that the Congress of the United States can legislate upon and settle in a few moments. Would we not be in a better position if we left this ether control question to be settled in the regular way by treaty with the other countries rather than to hamper ourselves and those who may undertake to represent us in making the proper treaties? We might undertake to formulate a treaty with Canada or Mexico and the first thing confronting us would be a statement from them, "You people over in the States have already settled this matter. You have legislated and have undertaken to determine what your rights are in the matter and what your ownership is; are we just to accept what the Congress of the United States has said or shall we insist upon what other countries say is right?

Gentlemen, I want to impress upon you the fact that for three or four years we have been endeavoring to enact radio control legislation, but every time we try some one wants to throw a monkey wrench into the legislative machinery. It has been getting worse all the time. Instead of accomplishing something we are getting in a worse condition every day. For God's sake, do you not think the time has come when we had better enact some legislation and protect what few rights we have left? [Applause.]

Within three or four weeks the Congress will adjourn, and if we go away for another year with nothing done, what will be the condition when we get back next year? Will it have improved any? That is one of the important questions actuating the members of the committee on the Democratic side in voting for the report of the conferees. We want to preserve our rights, and the majority of the Democrats on the committee will for this reason accept the bill as it is written.

The SPEAKER pro tempore. The time of the gentleman from Georgia has expired.

Mr. SCOTT. Mr. Speaker, I yield two minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Speaker, I followed very carefully the argument of the gentleman from Tennessee [Mr. DAVIS]. I think we ought to recognize the most dangerous part of the bill is the confiscation of existing rights of the pioneers in this matter, and that is studiously and carefully avoided in the whole bill. We recognize no vested right. The gentleman from Tennessee brings out the fact "that we must have litigation following the enactment of this bill." He feels that the statement in the original bill that we have inalienable rights to ownership of the ether to be stronger than the mere statement that we can regulate the use of the ether. I wish he could have

said something more than "that he suspected because of the change" some lawyers for the large interests think it may be to their benefit in event of litigation. We ought to be reminded at this time that there is nothing of vested rights mentioned in the bill; it must later pass the test of the courts. We know that we must pass legislation and we should realize that we are taking from these pioneers their property, as all who continue after this act is passed will be punished unless they come forward within 60 days and get a license of original issue. Their property may be jeopardized. I listened with a great deal of interest, and I want to know whether there is not some other and better basis than a mere suspicion that the lawyers of these large corporations think this is an easier bill under which to recover from the Government. We ought to have something more than suspicion. A very important matter is before us to-day, and it is time that we legislated in respect to it.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. SCOTT. Mr. Speaker, I yield 15 minutes to the gentleman from Maine [Mr. WHITE].

Mr. WHITE of Maine. Mr. Speaker and Members of the House, I am very glad to have these brief moments in which to indicate my views with respect to some of the phases of this legislation and tell you what I think to be the situation that confronts us at this time.

Some reference has been made to the conference committee. I have heard the suggestion here this afternoon that this bill which comes before you is not the product of the conference committee but is the work of one or two men thereof. I directly and emphatically deny that statement, and I say that this bill now proposed to you, soon to have your action, represents the judgment of seven of the eight conferees on the part of the House and the Senate. I believe it to be the best compromise that can now be effected between the conflicting views of the Members of the House on that conference committee and the Senate members of the committee. It is here before you to-day. You face the alternative of accepting this conference report or rejecting it; and at this time in the session you, in fact, are determining whether you will have in this Congress radio legislation or will not have radio legislation. That is the practical situation that confronts you.

What is the situation throughout the country with respect to radio? I have heard a multitude of complaints with respect to the conditions which obtain. Why do they exist? In large measure because in the Federal Government we have had and now have no adequate power of regulation or control over these agencies of communication. Back in 1912 we passed a radio law. Since that time the whole industry has been revolutionized and that law is wholly inadequate and inapplicable to the conditions that now confront us. Some of us who have been giving our time to this subject have long realized that under that law there was no authority in the Federal Government to allocate wave lengths, to determine the power which the stations should use, to fix the locations of those stations, to require the division of time—all in the interest of efficiency of communication—and some of us have also believed that in the absence of legislation by the Congress it was inevitable that the courts of the country sooner or later when the question was presented to them would determine, as they have determined, that priority in point of time in the use of a wave length established a priority of right. That was precisely what was determined in this famous Chicago Tribune case. The decision in that case was predicated upon the fact that Congress had failed to exercise its regulatory power. The court in that case held that in the absence of regulation of this subject, in the absence of the exercise of authority by Congress, common-law rights obtained, and they held that through priority of use there came superiority of right. You find all through the country to-day men interested in this great question who are entirely content that radio legislation at this time shall fail. They are ready to take their chances of going into the courts of the country and asserting that through expenditures of money, through prior appropriation of wave lengths, they have acquired equitable rights, which the courts will enforce against others and against the power of the United States. That is the situation that confronts us, and the necessity of dealing with this situation and of conferring an authority of regulation which will minimize the interference which now sadly impairs broadcasting has been the compulsion back of the effort to bring out legislation.

This legislation may fall far short of what it should be, but it is at least a step in the right direction. First and foremost, it asserts unequivocally the power and authority of the United States over this means of communication and gives to the Federal Government power over the vital factors of radio communication. It gives to the commission, and thereafter to the Secretary of Commerce, subject to appeal to the commission, the power to issue licenses if the public interest or the public convenience or public necessity will be served thereby.

This is a new rule asserted for the first time, and it is offered to you as an advance over the present right of the individual to demand a license whether he will render service to the public thereunder or not. It is one of the great advantages which this legislation offers you. The bill gives to the Federal Government the power to determine the wave length which every station shall use. Under the existing conditions licensees use the wave length they want, it matters not the consequences therefrom. It gives to the Federal Government the power to fix the time——

Mr. BLOOM. Will the gentleman yield?

Mr. WHITE of Maine. Excuse me—the power to fix the time in which the station shall operate and the power which they shall use in the transmission of the radio signals. We have heard a good deal said here this afternoon about some of the great interests using 5,000 and 50,000 watts. And it is true; and why? Because there is no authority in the Federal Government under present law to control the power, and here for the first time we have a bill which proposes to give to the Federal Government the power to regulate the number of watts which these stations shall use. We have given this, and we have done many other things.

Something has been said about monopoly; in fact, a great deal has been said about monopoly. I assert that whatever there may be of monopoly in connection with radio to-day is not in the field of transmission, but it is in the control of patents. Every Member here knows that the Merchant Marine and Fisheries Committee of the House has no jurisdiction over the question of patents.

Mr. BLOOM. Will the gentleman yield?

Mr. WHITE of Maine. Excuse me.

Mr. BLOOM. But the gentleman is making a statement——

Mr. WHITE of Maine. And I am making a statement that is true.

Mr. BLOOM. I would like to get the facts——

Mr. WHITE of Maine. I will say to you gentlemen that this question of monopoly is a question of the patent law of the United States to-day. It is not involved in this question of transmission. The Merchant Marine and Fisheries Committee of the House—and every man here who has served here knows this to be true—has no jurisdiction over this question of patents.

Mr. BLOOM rose.

Mr. WHITE of Maine. I decline to yield.

Mr. BLOOM. The gentleman said that every man here knows——

Mr. WHITE of Maine. Anybody who knows the rules of the House knows it. Every well-informed Member knows it. We have no jurisdiction over that question of patents. I will say to the Members of this House if you want that question dealt with you should go to your Patents Committee and through it bring about a revision of the patent laws of the United States, and it is a question which may well engage the consideration of that committee of this House.

Mr. BLOOM. I am a member of the Patents Committee.

Mr. WHITE of Maine. Please sit down. The gentleman ought to know a good deal more about the jurisdiction of his committee than he apparently does. But we have dealt with this question of monopoly in many ways. I have sketched off here as I sat at the table this afternoon the respects in which this bill deals with the question of monopoly. It starts out by asserting in the first place that the right to broadcast is to be based not upon the right of the individual, not upon the selfish desire of the individual, but upon a public interest to be served by the granting of these licenses. It places a limitation upon the right of the licensee to transfer his license at will; he may transfer that license only upon the express consent of the regulatory power of the United States. That is not all. We have provided that all laws of the United States relating to monopoly and agreements in restraint of trade shall be specifically applicable to the radio industry and to radio communication.

We have directed in this bill the licensing authority to refuse a license to any applicant found guilty of monopolizing or attempting to monopolize radio communication by any Federal court or by any other body vested with authority by law to make such a determination. We have given jurisdiction in such cases to the licensing body, in truth we have directed the licensing power to revoke the license of a holder found guilty of such an offense. Then we have forbidden the merger in certain cases of radio and wire companies in order that we may preserve competitive conditions between these two means of communication.

That is written expressly into this law. We have left intact and in force, supplementing this legislation, a great body of laws which now compose the interstate commerce acts of the United States. By those acts, in so far as they apply to radio companies, unjust charges are made unlawful. Discriminations are made unlawful; preferences, prejudices, rebates, and all those things are made unlawful; and the Interstate Commerce Commission, under existing law, which, as I say, is left intact, supplementing this bill, is given wide authority and ample authority to make effective those principles of law laid down.

Now, some reference has been made to some particular sections here regarding equitable distribution of service in the various States. There were in the House bill two provisions relating to that general subject. One made a reference to the established zones, and the other made a reference to the States. We included herein a revised Senate provision to which we yielded, and I yielded to it because I believed it to be sounder in principle than either of the provisions carried in the House bill. We have recognized in that compromise provision that it is not the right of a community to demand a station, not a right of a particular State to demand a station, but it was the right of the entire people to service that should determine the distribution of those stations; and it is written here in express language that it shall be the duty of this commission, this regulatory authority, to make such a distribution of stations, licenses, and power as will give all the communities and States fair and equitable service, and that is the sound basis on which legislation of this character should be founded. We have done that.

I do not know what else I can say to you in the minute that remains about this report. I believe, gentlemen, I have made as many compromises of my convictions, I have surrendered my views with respect to this legislation in as large a degree as any other man on the floor of this House or on the conference committee, and I have done so because it seemed to me that in the absence of legislation all these conditions of which we complain of would continue, would be aggravated, would become infinitely worse, and that it was incumbent upon this Congress, in the interests of the people of this country, to make a beginning in the control of radio.

Mr. NELSON of Wisconsin. What about the charge upon consumers?

Mr. WHITE of Maine. The gentleman from New York [Mr. BLOOM] said that he spoke to me a few days ago about it and that I laughed at him. I could not see then any more force in what he said to me than I do now in what he has here said. The legislation gives no such authority as he fears. It is important to note that he never suggested the matter until the agreement on this conference report was almost concluded. [Applause.]

The SPEAKER. The time of the gentleman from Maine has expired.

The SPEAKER. The time of the gentleman from Maine has expired.

Mr. SCOTT. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. SCOTT, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

## HUMANIZATION OF THE IMMIGRATION LAW

Mr. ANDREW. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an address.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. ANDREW. Mr. Speaker, the letter which I am going to present will, I believe, be of interest to the Members of this House. It comes from a Presbyterian minister, now teaching in a Methodist college, and it appeals from a humane and Christian standpoint for a slight change in our immigration laws, which is not at variance with our established general policy of restriction, but which will relieve certain unforeseen and unhumane consequences of the law of 1924.

The immigration quota of July 1, 1924, was adopted suddenly and with little warning. Among those who had come to this country just before its adoption and expected to live here permanently and become American citizens were several thousand who had left their wives and minor children on the other side with the expectation of bringing them over, but who suddenly found that this was impossible because of the new law. The so-called Wadsworth amendment is designed to relieve the sufferings of these wives and minor children who are estimated to number altogether not more than 35,000, and that maximum number is specified in the amendment, which only provides for the admission of the wives and minor children of those legally admitted for permanent residence before July 1, 1924, and who have declared their intention to become American citizens, and still reside here.

Under the normal course provided by existing law, these wives and minor children can in any event come into the country outside the quota within a few years when their husbands and fathers become American citizens. In the meantime, these children, who will sooner or later come to the United States, are being educated in foreign schools and in many cases in foreign languages. In my judgment, these children, who are destined to be future citizens of the United States, will be better equipped for such citizenship if in their formative years they are educated here in our own schools, where they can learn our language and become familiar with our institutions than they are apt to be if they stay on the other side and receive an altogether foreign education. The number concerned is relatively small and the adoption of this amendment would, in my judgment, in no way run counter to our established immigration policy.

I may add that the Rev. F. B. Gigliotti, the writer of this letter, is a good American citizen, who has proven his loyalty beyond a possibility of doubt. He volunteered in the service of our flag before the draft, went over with the First Division, took part in all of its major actions, and was three times wounded in battle. He has been very active in the American Legion.

The letter follows:

AMERICAN LEGION, ROME POST, No. 1,
*Rome, Italy.*

Subject: Humanization of the immigration law for wives and children of aliens intending to become American citizens.

Hon. A. PIATT ANDREW,
*House of Representatives, Washington, D. C.*

DEAR SIR: Last year I had the pleasure of calling to the attention of our people a great injustice that had been done involuntarily to aliens who had rendered honorable service in our armed forces in the great World War. This wrong was made right by the passage of the alien veteran repatriation act, giving those men and their families one year to return to our shores extra quota.

I have now another matter which I believe to be worthy of your consideration, and this is the problem of the wives and children of immigrants who came to our shores before 1924; that is, before they knew that the present immigration law would make it impossible for their families to join them before the passing of many years. They believed that if the American Government admitted them as immigrants, their families would also be admitted as soon as these men were able to provide for them.

I am a Presbyterian minister and a teacher of church history at the American Methodist College here in Rome. I am also the organizer of the Department of Italy of the American Legion, and a past commander of this department. This department, in the words of our ambassador, Hon. Henry P. Fletcher, is preeminently American in all its actions, and stands for the highest interests of our country. I am writing this letter in accordance with a resolution which was passed unanimously by our department convention. This resolution was introduced by Mr. James Goodman Hodgson, the American librarian at the International Institute of Agriculture and the adjutant of Rome Post of the American Legion.

It was seconded in very strong terms by our department commander, Capt. Kenneth G. Castleman, of the United States Navy, who was then the naval attaché to the American Embassy. The words used by Captain Castleman were: "We are primarily interested in the great, humane problem of adjusting the immigrant to his new home in America, and this can not be done as long as he is separated from his family."

I have talked concerning this problem with many of our leading citizens, and I have found that not one of those who took time to go into the matter thoroughly and conscientiously has declared it unjust. In the words of a great American educator, Dr. W. W. White, president of the Biblical Seminary in New York, it would not hurt anybody to allow the wives and children of men who are trying to make America their home to enter the United States.

Other leading American citizens who are in favor of the speedy enactment of the Wadsworth amendment are Dr. John A. Marquis, past moderator of the General Assembly of the Presbyterian Church of the United States; Hon. W. W. Husband, Assistant Secretary of Labor, who has charge of immigration; Hon. Henry P. Fletcher, American ambassador to Italy; Doctor Woolever, editor of the National Methodist Press, Washington, D. C.; and Dr. Samuel W. Irwin, president of the Methodist College in Rome, Italy.

The Synod of Pennsylvania of the Presbyterian Church, at its 1926 meeting, in Williamsport, Pa., passed a resolution requesting that the

immigration law be so amended as to allow the wives and children of immigrants to enter the United States. Please see copy of this resolution, as it was forwarded to the Immigration Committee.

I would also like to give five reasons why I believe that it is to America's advantage to allow entrance to the wives and children of the immigrants who entered the United States before the enactment of the law on restricted immigration:

1. To separate families is un-Christian and un-American, and not the intention of our great, God-fearing Nation.

2. When these men came here previous to 1924, they did not know that their families would be kept from joining them by a new law.

3. The process of Americanization is greatly hindered by the feeling of injustice and misunderstanding on the part of the immigrants caused by the fact that Congress has made a law which bars their families from coming to the country of their adoption for an indefinite number of years. We know that this is an unexpected outcome of the law, but the fact remains.

4. If the children of these immigrants enter the United States immediately, they will have the advantages of our schools and institutions and the problems of assimilation will be solved naturally, whereas if we wait four or five years until the fathers become citizens and will have the right to bring them in, we will add to the difficulties of Americanization.

5. Hundreds of thousands of dollars, which could be kept at home are being sent monthly to foreign countries for the support of these families.

Please look over the inclosed clippings.

1. Gigliotti urges due justice for immigrants, Newburgh News, November 11, 1926.

2. Presbyterian Synod of Pennsylvania asks justice for immigrants.

3. Editorial by James G. Hodgson, librarian of International Institute of Agriculture.

4. Resolution of the department of Italy of the American Legion.

Knowing that this letter will receive your careful attention, I am,

Very respectfully yours,

FRANK B. GIGLIOTTI,
*Adjutant of the Department of Italy of the American Legion.*

FACTS REGARDING SENATE BILL 564

Mr. WINTER. Mr. Speaker, I ask unanimous consent to extend my remarks concerning Senate bill 564.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. WINTER. Mr. Speaker, under leave to extend my remarks, I desire to present the facts regarding the bill S. 564, authorizing the Secretary of the Interior to issue patents and confirming the title of the various States to school sections in place heretofore granted upon admission of the States, including the minerals therein.

When the Senate bill known as the Jones bill reached the Public Lands Committee of the House, differences arose; various amendments were proposed. Mr. COLTON of Utah presented a bill embracing many new features. The Department of the Interior was opposed to such bills. A new bill was prepared by Representative SINNOTT, chairman of the Public Lands Committee, and was offered as an amendment to the Jones bill, striking out all of the Jones bill except the enacting clause. This bill was favorably reported.

For some time this bill was opposed by the Secretary of the Interior, but was finally by him agreed to in substance, before the Rules Committee, at a hearing before that committee for a rule. The Secretary and Assistant Secretary Finney then incorporated and substituted language agreeable to them, but in substance the same as the Sinnott amendment, with clarifying language and with Alaska and the quantity grants eliminated.

On admission and survey, each of the States was granted 1, 2, or 4 sections in each township, to be used by the States for educational purposes. If it developed these sections were known to be mineral upon survey, the State was required to select other nonmineral sections in lieu thereof.

Now, after from 14 to 50 years in the various States, and after the States, in good faith, have sold many of the sections to innocent purchasers who have made improvements, the Government is seeking to contest the right of the States and of such individual owners and is bringing contests to eject them on the ground that the sections were known to be mineral at the time of the admission of the State or at the time of survey after admission. These contests are brought at the direction of the Secretary of the Interior. There is no recourse to the courts. The Secretary renders the final decision. Titles are unsettled. The States can not sell their school lands. Such a policy and law are unjust and unwise. The Government has slept on its rights in not determining and declaring the mineral character of the mineral sections many years ago. It has permitted sales and improvements without a word of objection. It is declaring vast areas mineral now which no one then regarded as mineral of value.

In all justice and equity, it is estopped from now claiming these sections. Twenty-six Eastern and Central States were given all their mineral rights. A bill to confirm the title and issue patents to the Western States and their grantees in all school sections granted, now pending in Congress, should receive the united support of not only the West but of the East and South as well. Every consideration of equity and fair dealing requires the passage of such legislation.

THE MEXICAN SITUATION

Mr. OLIVER of Alabama. Mr. Speaker, I ask unanimous consent to insert in the RECORD a copy of the arbitration resolution recently passed by the Senate, together with a letter written by a constituent of mine on that subject.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent to insert in the RECORD a copy of the arbitration resolution recently passed by the Senate, together with a letter written by a constituent on that subject. Is there objection?

There was no objection.

Mr. OLIVER of Alabama. Mr. Speaker, under leave granted, I insert herewith a letter to friends and constituents of mine relative to a resolution adopted by the First Baptist Church at Blocton, Ala., urging that differences with Mexico be submitted to arbitration, together with a copy of the resolution unanimously passed by the Senate on January 25, 1927:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, D. C., January 28, 1927.*

Rev. C. B. MARTIN, *Pastor,*
Mr. E. M. BISHOP, *Church Clerk,*
*First Baptist Church, Blocton, Ala.*

MY DEAR FRIENDS: I have just received your letter, inclosing copy of resolution adopted by the members of the Blocton First Baptist Church on January 23, and wish to say that I am in hearty accord with the purpose of this resolution.

You will doubtless be pleased to know that the United States Senate, two days after your resolution was adopted, passed by unanimous vote a resolution relative to differences with Mexico, seeking to effectuate the declared purpose of your resolution. It is reported through the press that Mexico has expressed a similar desire. Copy of the resolution adopted by the Senate is appended hereto, and it is gratifying to know that this action of the Senate is in line with a long-established policy of our Government to submit to arbitration all matters which do not affect its honor and sovereignty.

Fortunately, our people are well informed as to the alleged claims of some Americans who have investments in Mexican oil lands that their property rights may be affected by recent Mexican legislation, and fortunately also, our people are equally as well informed of certain religious differences existing between the Mexican Government and some of its people. So far as the religious differences are concerned, no one can or should deny to Mexico the full right to settle these matters without interference from any other Government. As to the alleged menace to property rights, the resolution of the Senate properly declares this to be a matter for arbitration.

The very fact that our people are so well informed of these disturbing influences in Mexico gives strong assurance that they will not be misled by any kind of possible war propaganda. Knowledge of the facts referred to will cause them to wisely appraise such propaganda as may appear from time to time and to take no thoughtless or hasty action, but rather adhere to the course set out in the Senate arbitral resolution.

I commend the members of your church for their diligent and intelligent watchfulness of matters which, unless properly understood, might lead to serious misunderstandings with foreign governments.

It is a pleasure to hear from my friends at home, and I hope that you will feel at liberty at all times to write me relative to matters in which you may be interested.

With best wishes, I am

Yours sincerely, W. B. OLIVER.

N. B.: You will no doubt be interested in some facts which appeared in the editorial columns of the Washington Post on January 28, 1927, and which the Post states is "information published last week by the New York Evening Post," to wit:

The information is contained in a dispatch from Mexico City by George Barr Baker, for a long time an associate of Herbert Hoover and a man possessing the confidence of most persons in public life.

This dispatch tells:

That oil lands in Mexico on which rights were acquired before May 1, 1917, totaled 28,500,000 acres. These are the only oil lands about which there is any dispute.

That 666 foreign oil companies hold these rights and that all but 22 of these have obeyed the Mexican law by applying for confirmatory concessions.

That the 22 companies claim rights on about 1,600,000 acres, less than 6 per cent of the total.

That of the 1,600,000 acres, 750,000 acres—almost half—are owned by a company in which Edward L. Doheny has a large interest.

Yesterday the New York World added to this information the statement that the Harry F. Sinclair oil interests are joined with the Doheny interests in their opposition to the Mexican law. But to make the case clear, this is not necessary.

The fight with Mexico—the fight being made by Coolidge and Kellogg—is over oil titles. Five per cent of all the titles is all that is in dispute, and half of that 5 per cent belongs to the Doheny interests.

The United States Circuit Court of Appeals held that Doheny obtained title to vastly valuable oil lands in this country by "fraud and conspiracy." The Elk Hills case grew out of Doheny's "loan" of $100,000 to Albert B. Fall, then United States Secretary of the Interior.

If Doheny has just claims against the Mexican Government he, no doubt, is entitled to the same protection as any American citizen.

But the American people will not countenance any further quarreling by our Government with Mexico until it can be shown that the Doheny interests do have just claims. And in the light of the "fraud and corruption" used by the Doheny interests to get possession of the United States Navy's oil reserve lands, that is going to require a good deal of showing.

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Resolution adopted by United States Senate on January 25, 1927

That while by virtue of sovereignty the duty devolves upon this Government to protect the lives and property of its nationals, which duty is not to be neglected or disregarded, it is nevertheless sound policy, consistent with the honor and best interest of the United States and promotive of international peace and good will, to submit to an arbitral tribunal, which shall apply the principles of international law, the controversies with Mexico relating to the alleged confiscation or impairment of the property of American citizens and corporations in Mexico; the arbitration agreement to provide for the protection of all American property rights pending the final outcome of the arbitration.

That in good will and friendliness efforts should be made and persisted in to effect arrangements which will commit the two governments to the policy of abiding by and executing awards that may be made in consequence of such arrangements to arbitrate.

### RADIO LEGISLATION

Mr. HUDSON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan.

There was no objection.

Mr. HUDSON. Mr. Speaker, I have asked the privilege of extension in order that I may enter my protest against one feature of this legislation, namely, that of creating another bureau, or rather commission, in our Government.

We are now as a Government hobbled and controlled by bureaus and commissions. There are altogether too many, overlapping in functions and fields of activities, and there is a constant pressure to enlarge the activities with a constant appeal for larger staffs and personnel. Is there to be no end? Are we to come to the point where 50 per cent of the population will be laboring to support the other 50 per cent in Federal and State Government activities?

I promised my constituents that I would vote against the creation of further commissions except as an absolute necessity might arise.

I am going to vote for this conference measure to-day, much as I dislike to do so with the provision in it creating a commission of five members. It is said this is only an emergency and they will practically cease to function at the end of a year. I am not so sure of that. Once created this commission will be as tenacious of life as the proverbial cat.

However, we are confronted with a condition that is not of any one man's making. Legislation is imperative to clear up the confusion existing in the field of radio communication. This, we are told, is the best we can hope for under the deadlock existing, and I shall vote for the report because it will bring the needed relief. And I promise now that I shall use my influence and vote to the uttermost to see that further legislation shall not perpetuate this commission authorized in this report from being continued beyond the year.

### REPRESENTATIVE FRANK D. SCOTT, OF MICHIGAN

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. LAZARO] may have leave to address the House for two minutes.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the gentleman from Louisiana [Mr. LAZARO] may be allowed to address the House for two minutes. Is there objection?

There was no objection.

Mr. LAZARO. Mr. Speaker, the passage of the radio bill will probably be the last bill from the Committee on the Merchant Marine and Fisheries during the Sixty-ninth Congress. The chairman of our committee, Mr. SCOTT, will not be with us after the 4th of next March.

I want to take advantage of this opportunity to say that Mr. SCOTT has rendered good service as chairman of our committee. He is a man of ability, is always courteous, and he made our work in the committee very agreeable. I am sure I voice the sentiment of every member of our committee in saying that we regret to see him leave the House, and we wish him success when he returns to his home. [Applause, the Members rising.]

### MEMORIAL EXERCISES CONCERNING THE LATE REPRESENTATIVE LAWRENCE J. FLAHERTY

Mr. CURRY. Mr. Speaker, I ask unanimous consent that Sunday, the 27th of February, be made a special order for memorial services on our late colleague, Hon. LAWRENCE J. FLAHERTY, of the fifth California district.

The SPEAKER. The gentleman from California asks unanimous consent that Sunday, February 27, be set aside for exercises in memory of the late LAWRENCE J. FLAHERTY, of California. Is there objection?

There was no objection.

### ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 30 minutes p. m.) the House adjourned until Monday, January 31, 1927, at 12 o'clock noon.

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## COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings for Thursday, February 3, 1927, as reported to the floor leader by clerks of the several committees:

### COMMITTEE ON PATENTS

(10.30 a. m.)

To amend sections 57 and 61 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909 (H. R. 16548).

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## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

912. A communication from the President of the United States, transmitting supplemental estimate of appropriations under the legislative establishment for enlarging the Capitol grounds and for the Capitol power plant, fiscal year 1928, in the sum of $230,000 (H. Doc. No. 672); to the Committee on Appropriations and ordered to be printed.

913. A communication from the President of the United States, transmitting supplemental estimate of appropriation under the legislative establishment for enlarging and relocating the United States Botanic Garden, fiscal year 1927, to remain available until June 30, 1928, in the sum of $820,000 (H. Doc. No. 673); to the Committee on Appropriations and ordered to be printed.

914. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Treasury Department for the fiscal year ending June 30, 1927, $164,901; also proposed legislation affecting the use of existing appropriations (H. Doc. No. 674); to the Committee on Appropriations and ordered to be printed.

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## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. FUNK: Committee on Appropriations. H. R. 16800. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1928, and for other purposes; without amendment (Rept. No. 1892). Referred to the Committee of the Whole House on the state of the Union.

Mr. ARENTZ: Committee on the Public Lands. H. R. 15650. A bill to amend section 10 of the act entitled "An act extending the homestead laws and providing for right of way for railroads in the District of Alaska, and for other purposes," approved May 14, 1898 (30 Stat. L. p. 409); without amendment (Rept. No. 1893). Referred to the Committee of the Whole House on the state of the Union.

Mr. SINNOTT: Committee on the Public Lands. H. R. 16110. A bill to amend section 2455 of the Revised Statutes of the United States, as amended, relating to isolated tracts of public lands; without amendment (Rept. No. 1894). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. H. R. 16693. A bill amending the act approved August 30, 1890 (Stat. L., vol. 26, pp. 412–413), relative to condemnation of land for parks, parkways, and playgrounds; without amendment (Rept. No. 1895). Referred to the Committee of the Whole House on the state of the Union.

Mr. WILLIAMSON: Committee on Indian Affairs. S. 2714. An act to authorize the cancellation, under certain conditions, of patents in fee simple to Indians for allotments held in trust by the United States; without amendment (Rept. No. 1896). Referred to the Committee of the Whole House on the state of the Union.

Mr. CROWTHER: Committee on Ways and Means. H. R. 16510. A bill to authorize the Secretary of the Treasury to enter into a lease of a suitable building for customs purposes in the city of New York; without amendment (Rept. No. 1900). Referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HOOPER: Committee on War Claims. H. R. 15197. A bill for the relief of Jennie Wyant; without amendment (Rept. No. 1897). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 15678. A bill for the relief of the Citizens National Bank, of Petty, Tex.; without amendment (Rept. No. 1898). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 2054. A bill for the return of $5,000 to the New Amsterdam Casualty Co.; with amendment (Rept. No. 1899). Referred to the Committee of the Whole House.

## CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 15978) for the relief of Bondurant, Callaghan, Chesire & Co., a partnership; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 13049) granting a pension to John M. Brown; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FUNK: A bill (H. R. 16800) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1928, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mr. O'CONNELL of New York: A bill (H. R. 16801) to amend the World War veterans' act, 1924, as amended by the act of July 2, 1926; to the Committee on World War Veterans Legislation.

By Mr. SINNOTT: A bill (H. R. 16802) granting certain lands to the State of Oregon for the benefit of the Oregon Agricultural College, for the purpose of conducting educational, demonstrative, and experimental agricultural work by means of irrigation; to the Committee on the Public Lands.

By Mr. HASTINGS: A bill (H. R. 16803) to refer the claims of the Loyal Creek Indians to the Court of Claims, with the right of appeal to the Supreme Court of the United States; to the Committee on Indian Affairs.

By Mr. STOBBS: A bill (H. R. 16804) to amend the immigration laws so as to relieve cases of unusual hardship; to the Committee on Immigration and Naturalization.

By Mr. TINKHAM: A bill (H. R. 16805) to amend section 201, subdivision (1), of the World War veterans' act, 1924, as amended; to the Committee on World War Veterans' Legislation.

By Mr. VAILE: A bill (H. R. 16806) to amend the World War veterans' act, 1924, as amended by the act of July 2, 1926; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 16807) authorizing the establishment of a migratory bird refuge at Bear River Bay, Great Salt Lake, Utah; to the Committee on Agriculture.

By Mr. VESTAL: A bill (H. R. 16808) to amend sections 27, 42, and 44 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909; to the Committee on Patents.

By Mr. CRISP: A bill (H. R. 16809) to establish a Federal farm board in the Department of Agriculture to aid the industry of agriculture to organize effectively for the orderly marketing and for the control and disposition of the surplus of agricultural commodities; to the Committee on Agriculture.

## MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. ARENTZ: Memorial of the Legislature of the State of Nevada, memorializing Congress and the Secretary of Agriculture that no increase be had or made in the present grazing fees now paid by permittees on the public domain, including national forests; to the Committee on Agriculture.

By Mr. IRWIN: Memorial of the Legislature of the State of Illinois, memorializing Congress to consider the enactment of a sound national agricultural policy; to the Committee on Agriculture.

Also, memorial of the Legislature of the State of Oregon, thirty-fourth legislative assembly, that the United States Senate appoint a special committee to investigate the facts and circumstances surrounding the execution of the Herrick lumber contract; to the Committee on Rules.

By Mr. O'CONNELL of New York: Memorial of the Legislature of the State of Oregon, thirty-fourth legislative assembly, that the United States Senate appoint a special committee to investigate the facts and circumstances surrounding the execution of the Herrick lumber contract; to the Committee on Rules.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEERS: A bill (H. R. 16810) granting an increase of pension to Mary E. Stewart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16811) granting an increase of pension to Barbara F. Funk; to the Committee on Invalid Pensions.

By Mr. BURTON: A bill (H. R. 16812) granting an increase of pension to Amelia B. Glendening; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16813) granting an increase of pension to Ruth E. Daniels; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 16814) granting an increase of pension to Adelia Satterly; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 16815) granting an increase of pension to Nancy Morris; to the Committee on Invalid Pensions.

By Mr. ENGLEBRIGHT: A bill (H. R. 16816) for the relief of Ellen M. Gholson; to the Committee on Claims.

By Mr. HICKEY: A bill (H. R. 16817) granting a pension to Frances A. Barber; to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 16818) granting an increase of pension to Frances Bicknell; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Indiana: A bill (H. R. 16819) granting an increase of pension to Martha Stockley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16820) granting a pension to Sarah J. Asbury; to the Committee on Invalid Pensions.

By Mr. KURTZ: A bill (H. R. 16821) granting an increase of pension to Hannah C. Foor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16822) granting an increase of pension to Susan Hamilton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16823) granting an increase of pension to Catherine Lehman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16824) granting a pension to Carrie M. Black; to the Committee on Invalid Pensions.

By Mr. McKEOWN: A bill (H. R. 16825) granting a pension to Drucilla Ellen Petts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16826) granting a pension to Mary E. Price; to the Committee on Invalid Pensions.

By Mr. MONTGOMERY: A bill (H. R. 16827) granting a pension to Louis L. Francis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16828) for the relief of J. F. Nichols; to the Committee on the Judiciary.

Also, a bill (H. R. 16829) granting a pension to Daniel S. Stockton; to the Committee on Invalid Pensions.

By Mr. HALL of Indiana: A bill (H. R. 16830) granting a pension to Sarah Catherine Fisher; to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 16831) granting a pension to Ida M. Cole; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16832) granting an increase of pension to Aceneath E. Miller; to the Committee on Invalid Pensions.

By Mrs. ROGERS: A bill (H. R. 16833) granting a pension to Mary A. Story; to the Committee on Invalid Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 16834) granting an increase of pension to Christine Meyer; to the Committee on Invalid Pensions.

By Mr. SCHNEIDER: A bill (H. R. 16835) granting an increase of pension to Jane Christian; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 16836) granting a pension to Lucy Ann Tinsley; to the Committee on Invalid Pensions.

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## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5769. Petition of Local Union, No. 275, Brotherhood of Painters, Decorators, and Paper Hangers of America, Chicago, Ill., protesting against the intervention of Nicaragua, the threats against Mexico and intervention in China, and call for immediate removal of American forces from these countries; to the Committee on Foreign Affairs.

5770. By Mr. ANDREW: Petition adopted by George Washington Post No. 1, the American Legion, Washington, D. C., favoring passage of bill providing for publication of World War records; to the Committee on Military Affairs.

5771. By Mr. ARENTZ: Petition of White Pine Chamber of Mines and Commerce, Ely, Nev., supporting proposed diversion of the direct air mail service between Salt Lake City and Los Angeles which will provide the two largest mining districts in Nevada with a direct air mail service and serve a population of approximately 25,000 people and be of great benefit to the surrounding districts; to the Committee on Interstate and Foreign Commerce.

5772. By Mr. AYRES: Petition of citizens of McPherson, Kans., in behalf of legislation in the interests of Civil War veterans and Civil War widows; also similar petitions from citizens of Sumner County and Harper County, Kans.; to the Committee on Invalid Pensions.

5773. By Mr. BARBOUR: Petition of residents of Oakdale, Calif., urging passage of bill increasing pensions of veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

5774. By Mr. BRUMM. Petition of citizens of Tamaqua, Schuylkill County, Pa., urging Civil War pension legislation; to the Committee on Invalid Pensions.

5775. By Mr. DENISON: Petition of Sallie B. Allred and others, urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and their widows; to the Committee on Invalid Pensions.

5776. By Mr. DOWELL: Petition of citizens of Ames, Story County, Iowa, urging enactment of legislation increasing pensions of veterans of Civil War and widows of veterans; to the Committee on Invalid Pensions.

5777. By Mr. DRIVER: Petition signed by citizens of Woodruff County, Ark., urging the passage of legislation for the relief of the Civil War veterans, their widows, and dependents; to the Committee on Invalid Pensions.

5778. By Mr. ENGLEBRIGHT: Petition of sundry citizens of Vallicitia, Calif., urging early enactment of pending legislation for relief of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

5779. Also, petition of Miss Grace B. Willard, committee, Stanton W. R. C., No. 16, Los Angeles, Calif., for early enactment of legislation for the relief of veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

5780. By Mr. ROY G. FITZGERALD: Petition of Chamber of Commerce of Santa Monica, Calif., unanimously indorsing House bill 4548, for retirement of disabled emergency Army officers of the World War, and asking for its immediate passage to end unjust discrimination; to the Committee on Rules.

5781. Also, petition of St. Louis, Mo., publishers of magazines and periodicals, with circulation of a half million monthly, urging immediate passage of House bill 4548, for retirement of disabled emergency Army officers of the World War; to the Committee on Rules.

5782. Also, petition of Colorado Disabled American Veterans of World War, overwhelmingly composed of former enlisted men, unanimously indorsing Fitzgerald bill (H. R. 4548) for retirement of disabled emergency Army officers and praying Rules Committee to allow a vote; to the Committee on Rules.

5783. Also, petition of Los Angeles, Calif., Reserve Officers' Association, asking that House bill 4548, for retirement of disabled emergency Army officers of World War, be brought to a vote in House of Representatives; to the Committee on Rules.

5784. By Mr. FRENCH: Petition of citizens of Latah County, Idaho, opposing compulsory Sunday observance; to the Committee on the District of Columbia.

5785. By Mr. FUNK: Petition of residents of Normal and Bloomington, Ill., urging increased pensions for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

5786. By Mr. GARBER: Letter from William J. Ellis, commissioner of the department of institutions and agencies of the State of New Jersey, urging enactment of Senate bill 2615, allowing blind person to travel with guide for the expense of one person; also letter from Stetson K. Ryan, secretary of the board of education of the blind, Hartford, Conn., urging enactment of Senate bill 2615; to the Committee on Interstate and Foreign Commerce.

5787. By Mr. HILL of Washington: Petition of M. D. Worden and 10 others, of Malott, Wash., protesting against all pending compulsory Sunday observance bills; to the Committee on the District of Columbia.

5788. Also, petition of William G. Husser and 138 others, of Spokane, Wash., urging passage of pending bills to increase pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

5789. Also, petition of Mrs. Emilie McMahon and 25 others, of Cashmere, Wash., urging legislation to increase pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

5790. By Mr. HOCH: Petition of 75 voters of Morris County, Kans., urging that immediate steps be taken to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

5791. Also, petition of official members of the United Presbyterian Church of Lyndon, Kans., urging passage of House bill 10311, known as Lankford Sunday bill; to the Committee on the District of Columbia.

5792. Also, petition of various citizens of Coffey County, Kans., in opposition to Sunday closing for the District of Columbia; to the Committee on the District of Columbia.

5793. By Mr. JOHNSON of Indiana: Petition of certain citizens of Terre Haute, Ind., for increase of Civil War pensions; to the Committee on Invalid Pensions.

5794. Also, petition of 13 citizens of Lena, Ind., for the passage of an act to increase Civil War pensions; to the Committee on Invalid Pensions.

5795. By Mrs. KAHN: Petition of 13 members of the California Assembly, in behalf of the re-creating of the position of United States district judge for the northern district of California; to the Committee on the Judiciary.

5796. By Mr. KING: Petition signed by C. W. Smith and 80 other residents of Galesburg, Ill., urging the immediate passage of legislation for the relief of veterans and widows of the Civil War; to the Committee on Invalid Pensions.

5797. By Mr. McKEOWN: Petition of W. F. Stevens, Mattie Stevens, J. W. Hulsey, Ruth Jones, and others, all of Ada, Okla., urging that immediate steps be taken to bring the Civil War pension bill to a vote; to the Committee on Invalid Pensions.

5798. Also, petition of Mrs. Nellie Brocaw, Floy Stanfield, Mrs. Wright, D. B. Evans, and others, of Chandler, Okla., urging that immediate steps be taken to bring the Civil War pension bill to a vote; to the Committee on Invalid Pensions.

5799. By Mr. MILLER: Petition of citizens of Seattle, Wash., in opposition to House bill 10311, Sunday observance bill; to the Committee on the District of Columbia.

5800. By Mr. MILLIGAN: Petition signed by citizens of Gentry County, opposing House bill 10311; to the Committee on the District of Columbia.

5801. By Mr. MORROW: Petition of Progress Builders of America, Roswell, N. Mex., in behalf of sustaining friendly relations with Mexico and Central America; to the Committee on Foreign Affairs.

5802. By Mr. NEWTON of Missouri: Petition of Louis Sunkel and 65 other citizens of St. Louis County, Mo., in favor of pending legislation to increase the present rates of pension of Civil War veterans, widows, and dependents; to the Committee on Invalid Pensions.

5803. By Mr. O'CONNELL of New York: Petition of the New York County Lawyers' Association, favoring the passage of House bill 16171, providing for the appointment of an additional circuit judge for the second district; to the Committee on the Judiciary.

5804. By Mrs. ROGERS: Petition of Abbie M. Saunders and other citizens of Concord, Mass., for extending further relief to Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

5805. By Mr. ROWBOTTOM: Petition of Ralph R. Peters and others, against House bill 10311; to the Committee on the District of Columbia.

5806. By Mr. SINNOTT: Petition of certain citizens of Oregon, protesting against House bill 10311, the Sunday enforcement bill; to the Committee on the District of Columbia.

5807. Also, petition of numerous citizens of Oregon in favor of further relief for veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

5808. By Mr. SMITH: Petition signed by 13 citizens of Norwood, Donnelly, and McCall, Idaho, protesting against legislation providing for compulsory Sunday observance; to the Committee on the District of Columbia.

5809. Also, petition signed by 58 citizens of Idaho, in opposition to legislation liberalizing the immigration law; to the Committee on Immigration and Naturalization.

5810. By Mr. STOBBS: Petition of residents of Worcester, Mass., urging Civil War pension legislation; to the Committee on Invalid Pensions.

5811. By Mr. STRONG of Kansas: Resolutions of Cantonment No. 12, Indian war veterans, passed at Clay Center, Kans., urging that steps be taken to increase the pensions of survivors of Indian war veterans and widows now on the pension roll; to the Committee on Pensions.

5812. By Mr. TAYLOR of Colorado: Petition of citizens of Clifton, Colo., for better enforcement of the Volstead Act; to the Committee on the Judiciary.

5813. By Mr. TAYLOR of West Virginia: Petition signed by R. G. Winegardner and others, of Raleigh County, W. Va., asking for legislation for the relief of Civil War veterans' widows; to the Committee on Invalid Pensions.

5814. By Mr. WATSON: Petitions of citizens of ninth congressional district of Pennsylvania, comprising Bucks and Montgomery Counties, requesting the passage of pension legislation increasing pensions to soldiers and sailors of the Civil War and widows of soldiers and sailors; to the Committee on Invalid Pensions.

5815. By Mr. WOLVERTON: Petition of Samuel Spencer and other voters of Nicholas County, W. Va., asking Congress to consider a bill for the relief of Civil War widows; to the Committee on Invalid Pensions.

5816. By Mr. WOOD: Memorial from residents of Valparaiso, Ind., asking that the Civil War pension bill become a law at the present session of Congress; to the Committee on Invalid Pensions.

5817. By Mr. WYANT: Petition of citizens of Scottdale and vicinity, Westmoreland County, Pa., urging the passage of the Lankford Sunday rest bill (H. R. 10311); to the Committee on the District of Columbia.

5818. By Mr. ZIHLMAN: Petition of First Presbyterian Church of Hagerstown, Md., signed by Mrs. W. A. Gordon, Miss M. Ethel Kohler, Mrs. H. E. Burton, and others, requesting favorable action on House bill 10311, the Sunday observance bill; to the Committee on the District of Columbia.

## SENATE

### MONDAY, *January 31, 1927*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our heavenly Father, we thank Thee for the sunlight of this morning, and would ask that we may live in the sunshine of Thy presence, making everything tend in thought and purpose to the glory of Thy name. Grant that the work of this day shall receive Thy benediction. Be with us constantly. For Jesus Christ's sake. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Tuesday, January 25, 1927, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

#### CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Ferris | Keyes | Reed, Pa. |
| Bayard | Fess | King | Robinson, Ind. |
| Bingham | Fletcher | La Follette | Schall |
| Blease | Frazier | Lenroot | Sheppard |
| Borah | George | McKellar | Shipstead |
| Bratton | Gillett | McLean | Shortridge |
| Broussard | Glass | McMaster | Smith |
| Bruce | Goff | McNary | Smoot |
| Cameron | Gooding | Mayfield | Steck |
| Capper | Gould | Means | Stephens |
| Caraway | Greene | Metcalf | Trammell |
| Copeland | Hale | Moses | Tyson |
| Couzens | Harris | Norbeck | Walsh, Mont. |
| Curtis | Harrison | Nye | Warren |
| Dale | Heflin | Oddie | Watson |
| Deneen | Howell | Overman | Weller |
| Dill | Johnson | Pepper | Wheeler |
| Edge | Jones, N. Mex. | Phipps | Willis |
| Edwards | Jones, Wash. | Pine | |
| Ernst | Kendrick | Reed, Mo. | |

Mr. BAYARD. I desire to announce the absence of the senior Senator from Rhode Island [Mr. GERRY] on account of illness. I ask that this announcement may stand for the day.

Mr. METCALF. I wish to announce that the Senator from Iowa [Mr. STEWART] is absent on official business.

Mr. WALSH of Montana. I wish to state that the Senator from Massachusetts [Mr. WALSH] is necessarily detained in his State on matters of public interest. I will let this announcement stand for the day.

The VICE PRESIDENT. Seventy-eight Senators having answered to their names, a quorum is present.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9971) for the regulation of radio communications, and for other purposes.

The message also announced that the House had passed a bill (H. R. 15414) to authorize the United States Veterans' Bureau to accept a title to lands required for a hospital site in Rapides Parish, La., in which it requested the concurrence of the Senate.

#### PETITIONS AND MEMORIALS

Mr. PINE presented the following concurrent resolution of the Legislature of the State of Oklahoma, which was referred to the Committee on Agriculture and Forestry:

STATE OF OKLAHOMA,
DEPARTMENT OF STATE.

*To all to whom these presents shall come, greeting:*

I, Graves Leeper, secretary of state of the State of Oklahoma, do hereby certify that the following and hereto attached is a true copy of Senate Concurrent Resolution 1, adopted by senate January 4, 1927, the original of which is now on file and a matter of record in this office.

In testimony whereof I hereto set my hand and cause to be affixed the great seal of State.

Done at the city of Oklahoma City this 25th day of January, A. D. 1927.

[SEAL.]

GRAVES LEEPER,
*Secretary of State.*
LEE ROBERTS,
*Assistant Secretary of State.*

Senate Concurrent Resolution 1, by Austin, Gulager, Peck, Rice, Goodall, and Stewart, of the senate, and Foster, Thompson, Berry, McCombs, and Rogers, of the house

A resolution memorializing Congress to assist in passing Senate bill No. 4808

Whereas a surplus of farm crops has for years caused the market on these crops to fluctuate in such a manner as to materially interfere with the living conditions of our agricultural classes; and

Whereas these surpluses have never proven to be surpluses over a term of years; and

Whereas it is felt by all farm organizations in the United States, after having given mature thought to this question, that farm legislation is necessary in order that the farmers might thus control these surpluses and spread them out over a term of years and thereby prevent these wide fluctuations; and

Whereas a bill is now pending in Congress, Senate bill No. 4808; and

Whereas the said bill will be before the Committees on Agriculture in both Houses in Congress on January 6; and

Whereas we believe that the passage of this legislation will materially benefit our agricultural classes at this time and in future: Now therefore

*Be it resolved by the Senate of the State of Oklahoma (the House of Representatives concurring therein),* That we do hereby memorialize